











# ACTS OF ASSEMBLY

RELATING TO

THE PENNSYLVANIA RAILROAD COMPANY;

THE HARRISBURG, PORTSMOUTH, MOUNT JOY  
AND LANCASTER RAILROAD COMPANY;

THE WRIGHTSVILLE, YORK AND GETTYSBURG  
RAILROAD COMPANY;

AND

THE COLUMBIA BRIDGE COMPANY:

TOGETHER WITH

*SEVERAL DEEDS, ETC., RELATING TO THE SAME.*

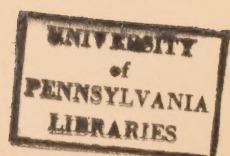
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## ABSTRACT OF CORPORATE HISTORY.

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THE Pennsylvania Railroad Company was incorporated by the Legislature of Pennsylvania by the act approved April 13th, 1846, which authorized the construction of a railroad from Harrisburg to Pittsburgh, and also gave authority to build branches from the main line, in the several counties through which it passed: construction was commenced at Harrisburg, in July, 1847, and the railroad completed to Hollidaysburgh, September 16th, 1850, where it connected with the Allegheny Portage Railroad: the portion of the railroad from Johnstown to Pittsburgh was completed December 10th, 1852; and subsequently the portion from Altoona to the Allegheny Portage Viaduct was built, and opened February 15th, 1854.

In 1826 the State of Pennsylvania, with the intent of connecting Philadelphia and Pittsburgh by a continuous line of internal improvements, undertook the construction of various canals and railroads, and built the Philadelphia and Columbia Railroad, eighty-one miles in length, and the Allegheny Portage Railroad, forty-one miles in length, and these isolated railroads were connected by the Eastern and Juniata Divisions of the Pennsylvania Canal, respectively forty-six and one hundred and twenty-seven miles in length; and the Allegheny Portage Railroad was connected with Pittsburgh, by the Western Division of the Pennsylvania Canal, one hundred and five miles in length: these works were principally brought into use in 1830-32, though the railroads were not entirely completed until 1833-34.

Under the authority of the act approved May 16th, 1857, the State sold its system of public works to The Pennsylvania Railroad Company, and July 31st, 1857, a deed was executed for the same.

The Portsmouth and Lancaster Railroad Company was incorporated by the Legislature of Pennsylvania by the act approved June 9th, 1832, which authorized the construction of a railroad from Portsmouth, by way of Mount Joy, to Lancaster: by the act approved March 11th, 1835, the corporate title was changed to The Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, and authority was given to extend the railroad to Harrisburg; the railroad was completed in September, 1838: by the act approved March 16th, 1848, authority was given to construct a branch to Columbia, and this was completed in June, 1851: the company executed a lease December 29th, 1860, for its railroad, for the term of nine hundred and ninety-nine years from January 1st, 1861, to The Pennsylvania Railroad Company.

The Wrightsville and York Railroad Company was incorporated by the Legislature of Pennsylvania by the act approved April 15th, 1835, which authorized the construction of a railroad from Wrightsville to York: and by the act approved March 21st, 1836, The Wrightsville and Gettysburg Railroad Company was incorporated, and authorized to construct a railroad from Wrightsville to Gettysburg: under the authority given by the act approved February 28th, 1837, the two corporations were united under the title of The Wrightsville, York and Gettysburg Railroad Company, and the railroad was completed from Wrightsville to York in 1840: by the act approved April 6th, 1870, authority was given to The Wrightsville, York and Gettysburg Railroad Company to sell to The Pennsylvania Railroad Company, its railroad, property, and corporate rights and franchises, and June 21st, 1870, a deed was executed for the same.

The Legislature of Pennsylvania by the act approved March 28th, 1809, incorporated a company under the title of The President, Managers and Company, for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia; by the act approved February 14th, 1837, the corporate title was changed to The Columbia Bank



and Bridge Company: during the civil war, on June 28th, 1863, the bridge was almost entirely destroyed by fire, and authority having been given by the act approved April 23d, 1864, the corporation sold the piers, abutments, etc., remaining of the bridge, to Josiah Bacon and others, and executed a deed for the same July 12th, 1864; and the purchasers, acting under the authority of the act above referred to, organized themselves on July 6th, 1864, into a corporation, by the title of The Columbia Bridge Company, and conveyed to it by deed executed September 6th, 1864, the property above described: the bridge was rebuilt in 1868-69, and was opened for ordinary travel January 4th, 1869, and partially opened for railroad travel March 1st, 1869: by the act approved March 8th, 1871, authority was given to The Columbia Bridge Company to sell to The Pennsylvania Railroad Company, its bridge, property, and corporate rights and franchises, and July 1st, 1871, a deed was executed for the same.



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THE PENNSYLVANIA RAILROAD COMPANY.

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## AN ACT

TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY.

*.P. L. 1846, page 312. Approved April 13th, 1846.*

SECTION 1. That Thomas P. Cope, Robert Toland, William M. Meredith, A. S. Roberts, John K. Kane, John B. Myers, Henry Welsh, John M. Atwood, Henry D. Gilpin, John A. Brown, George Cadwalader, Thomas M. Petit, George W. Toland, A. J. Lewis, A. G. Ralston, David S. Brown, William C. Patterson, Henry White, James Magee, Hugh Campbell, Henry M. Watts, Gideon Scull, Charles S. Wood, J. Fisher Leaming, Thomas C. Rockhill, Thomas P. Hoopes, Robert Allen, Alexander Fullerton, John Welsh, jr., Alexander Osbourn, William Reynolds, William S. Charnley, B. M. Hinchman, Townsend Sharpless, C. G. Childs, Charles Humphreys, Thomas Tustin, Thomas Robbins, William Musser, Robert Steen, Edward Siter, Charles Macalester, Joseph R. Evans, Edward Duff, Henry M. Phillips, Elhanan W. Keyser, Hyman Gratz, John White, John J. Ridgway, Walter R. Johnson, Elliot Cresson, Josiah Randall, J. Rhea Barton, John Swift, George Campbell, G. R. Childs, Hugh Catherwood, Horn R. Kneass, James Steel, James M. Davis, Joseph A. Clay and William P. Smith, of the city of Philadelphia; Thomas Sparks, Thomas McCully, Isaac W. Norris, George M. Stroud, George N. Baker, James Martin, E. A. Penniman, Abraham Helfenstein, Philip M. Price, John J. McCahen, George W. Carpenter, John S. Littell, Samuel C. Ford, Benjamin Crispin, Nathan Trotter, Jacob Broom, Thomas D. Grover, John Naglee, Archibald Wright, Edward F. Gay, William S. Hallowell, William English, Joseph Lippencott, Robert Flinn, Jr., Christopher Mason, John T. Smith, Charles Brown, John Miller, Michael D. Whartman, John S. Cash, Joseph Baker, Mitchell Bomeisler, Samuel Jackson, Peter Rambo, John Robbins, George Shetsline, Samuel Ovenshine, James Eneu, Jr.,

Names of Commissioners.

Henry Manderfield, David F. Condie, Benjamin L. Berry, Joseph Diamond, William Laughlin, and Levi Strickland, of the county of Philadelphia; Samuel D. Ingham, of Bucks county; Joel K. Mann, Charles Kugler, of Montgomery county; H. Jones Brooke, of Delaware county; Thomas S. Bell, Francis James, Robert Parke, of Chester county; Alexander L. Hays, Emanuel C. Reigart, John N. Lane, Reah Frazer, Benjamin G. Herr, Edward Davies, Reuben Mullison, Bernard Flinn, Samuel Shoch, John F. Huston, J. S. Clarkson, Frederick Hipple, Reuben Hause, of Lancaster county; Henry Flannery, Henry W. Smith, J. Pringle Jones, Henry A. Muhlenburg, Michael K. Boyer, John S. Heister, William High, William Heidenreich, Charles Keely, J. Glancy Jones, of Berks county; Levi Kline, of Lebanon county; Valentine Hummell, senior, William Ayres, Jacob M. Haldeman, James McCormick, James Peacock, Henry Buehler, John C. Bucher, Simon Cameron, David R. Porter, of Dauphin county; Benjamin McIntyre, Robert Elliott, James McFarlane, George Stroop, Robert S. King, Findley McCowan, Hugh R. Wilson, Henry Fetter, and Jacob Keiser, of Perry county; James Mathers, Andrew Parker, of Juniata county; Abraham S. Wilson, James Criswell, Reuben C. Hale, Francis W. Rawle, Moses Montgomery, Joseph Milliken, Joseph Ard, Joseph Kyle, David Zook, and William Reed, of Mifflin county; John G. Miles, John Kerr, A. P. Wilson, Edwin F. Shoenberger, Benjamin Leas, John M'Cahen, John Long, Brice Blair, Thomas E. Orbeson, Edward Bell, William Williams, and John Porter, of Huntingdon county; James Irvin, James T. Hale, W. W. Houston, James Potter, Abraham S. Valentine, Henry Brokerhoff, William F. Reynolds, and Daniel Ulman, of Centre county; A. K. Wright, A. B. Reed, J. W. Smith, of Clearfield county; John Linton, W. A. Smith, John Mathew, John Fenlon, Peter Livergood, Edward Shoemaker, Stephen Lloyd, and Richard Lewis, of Cambria county; James Clark, George Mulholland, Jr., David Ralston, Daniel Stanard, of Indiana county; John Hill, J. R. Logan, John M. Laird, Henry McBride, Joseph Harvey, Hugh Irvin, S. L. Carpenter, F. J. Cope, Richard Coulter, of Westmoreland county; Jesse Carothers, Joshua Hanna, Harmar Denny, Thomas Bakewell, John Bigler, William Wilkins, Wilson McCandless, William

McKnight, William Eichbaum, C. McGee, William Larrimer, James Marshall, John J. Wilson, William R. Vankirk, Samuel Walkar, E. Percival, Andrew Bayne, John Hay, H. G. Rowland, Hiram Hultz, and Samuel W. Black, of Allegheny county; Michael Doudel, Samuel Wagner, Charles Weiser, Daniel Hartman, A. C. Ramsey, of York county; Jacob Mechling, John Bredin, of Butler county; Robert H. Hammond, Jesse C. Orton, J. M. Pollock, John Forsyth, A. Jordan, C. W. Hegins, Samuel Hepburn, and E. Greenough, of Northumberland county; Ner Middleswarth, Robert Cander, Henry Snyder, John L. Watson, and Robert Hays, of the county of Union; David Leech, Philip Klinginsmith, and Lewis Brenaman, of Armstrong county; Henry Allen, John P. McGlathery, David Norwood, Samuel Vanhorn, William Maginniss, James Stewart, James Culbertson, Joseph Pollock, and Alva Leonard, of the county of Beaver; George Chambers, Frederick Smith, and William Baker, of the county of Franklin; Thomas H. Sill, Giles Sanford, John H. Walker, C. M. Reed, C. McSparren, George Seldon, and John Galbraith, of Erie county; Joel B. Curtis, Samuel Goodman, David Cortney, R. W. Cunningham, and John Hoge, of Mercer county; Thomas Ringland, John Wishart, T. M. T. McKennon, A. W. Acheson, James Gordon, and John Grayson, of Washington county; Morrow B. Lowry, J. Porter Brawley, and Joseph Patton, of Crawford county; Abbott Green, William Cameron, Nathan Mitchell, Levi B. Christ, Joseph Casey, Henry C. Eyre, of Union county; William Donaldson, Joseph Paxton, of Columbia county, be and they are hereby appointed commissioners, to do and perform the several acts and things hereinafter mentioned, that is to say, they, or such of them as shall act in the premises, not less than twelve, shall before proceeding to the performance of their duties, be respectively sworn or affirmed before an officer competent to administer oaths, well and truly to perform the duties enjoined upon them by this act; and as soon as conveniently may be, and within three months next after the passage of this act, shall procure and open suitable books at such proper times and places as they may designate, in the cities of Philadelphia, Lancaster, and Pittsburgh, and in the boroughs of Harrisburg, Lewistown, Huntingdon, Greensburg, Bloomfield and Blairsville, and at such other places as they may

Twelve Commissioners necessary to act.

Subscription books to be opened.

deem expedient, of which times and places at least thirty days' previous public notice shall be given, in not less than three daily newspapers published in Philadelphia, and in not less than two daily or weekly papers in the other places named, if so many are therein published, in which books they shall enter as follows:

"We whose names are hereunto subscribed, do promise to pay to the president, directors, and company of the Pennsylvania Railroad Company, the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, not exceeding five dollars per share, in any period of sixty days, as shall be determined by the president and directors of said company, in pursuance of an act entitled 'An Act to incorporate the Pennsylvania Railroad Company.' Witness our hands and seals, the                      day of                      one thousand eight hundred and                      ."

And at the times and places so designated and named in the public notices to be given as aforesaid, the said commissioners, by themselves, or by committees to be by them appointed, shall attend and furnish to all persons duly qualified who shall offer to subscribe, an opportunity of so doing, and it shall be lawful for all such persons, and for all firms, copartnerships, and bodies politic and corporate, by themselves, or by persons duly authorized, to subscribe for shares in said stock, and the said books shall be kept open at least six hours in every juridical day for the term of ten days, unless the whole number of one hundred and fifty thousand shares shall have been sooner subscribed, and if at the expiration of ten days, the said books shall not have the whole number of shares aforesaid subscribed therein, the said commissioners may adjourn from time to time, and transfer the said books elsewhere, until the whole number of one hundred and fifty thousand shares shall have been subscribed, of which adjournments and transfers the said commissioners shall give such public notice as in their opinion the occasion may require; and when the whole number of shares before mentioned shall have been subscribed, the books shall be closed. *Provided*, That no subscription for such stock shall be valid unless the party or parties making the same shall, at the time of subscribing, pay to said commissioners five dollars

Form of subscription to the stock.

Commissioners to give all persons duly qualified an opportunity to subscribe.

Books to be open for six hours a day for ten days unless 150,000 shares be sooner subscribed.

Commissioners may adjourn from time to time.

Closing of books.

Proviso.

Five dollars a share to be paid at the time of subscription.

Who may fully subscribe



on each and every share, for the use of the company. *And provided further,* That if more than one hundred and fifty thousand shares shall have been subscribed within ten days, and before the closing of the books as aforesaid, the commissioners shall reduce the subscriptions *pro rata* as near as practicable, in such manner as to them may appear equitable, until the number of shares do not exceed one hundred and fifty thousand, but no subscription for ten shares or under shall be so reduced.

Proviso.

If more than capital subscribed shares to be ratably diminished.

Subscriptions for ten shares or under not to be reduced.

SECTION 2. That when fifty thousand shares or more of the said stock shall have been subscribed, and five dollars paid on each and every share as aforesaid, the said commissioners, acting in the premises as aforesaid, or a majority of them, shall certify to the Governor, which certificate shall be verified by the oath or affirmation of at least two of said commissioners, the names of the subscribers and the number of shares subscribed by each, and that five dollars on each have been paid; whereupon the Governor shall, by letters-patent under his hand and the seal of the Commonwealth, create and constitute the subscribers, and if the subscription be not full at the time, those who shall thereafter subscribe to the number of shares aforesaid, their successors and assigns, into a body politic and corporate in deed and in law, by the name, style and title of "The Pennsylvania Railroad Company," and by the said name, style and title, the said subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere; and to purchase, receive, have, hold, use and enjoy, to them and their successors, lands, tenements and hereditaments, engines, locomotives, cars, goods, chattels, and estate, real and personal, of what kind or quality soever; and the same from time to time to sell, exchange, mortgage, grant, alien, or otherwise dispose of; and to make dividends of such portion of the profits as they may deem proper, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary or convenient for the government of said corporation,

Commissioners to certify to the Governor, under qualification, the number of shares subscribed.

When 50,000 shares are subscribed, and \$5 a share paid, Governor to issue letters patent.

Title.

Ordinary franchises.

Seal.

By-laws.

not being contrary to the constitution and laws of the United States, or of this Commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of said corporation, and the due ordering and management of the affairs thereof. *Provided,*

Proviso.

Not to be construed as including banking privileges, &c.

That nothing herein contained shall be so construed as in any way giving to said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary or convenient to the procuring, owning, making, maintaining, regulating, and using said railroad, the locomotives, machinery, cars and other appendages thereof, and the conveyance of passengers, the transportation of the mail, and of goods, merchandise, commodities and things thereon. *And provided further,* That said company shall not

Proviso.

To purchase and hold real estate for the making and accommodation of the railroad only.

purchase or hold any real estate except such as may be necessary or convenient for the making and constructing of said railroad, or for the furnishing of materials therefor, and for the accommodation of depots, offices, warehouses, machine-shops, toll-houses, engine and water-stations, and other appropriate appurtenances, and for the persons and things employed or used in or about the same. *Provided,* That the whole amount

Proviso.

Debts never to exceed one half of capital paid in. By act April 18, 1854, p. 47, authorized to increase loans; and see Sec. 3, Act of May 16, 1857, p. 62; Sec. 3, Act March 16, 1863, p. 105; Sec. 2, Act March 21, 1866, p. 125; Sec. 2, Act March 22, 1867, p. 128; Act Dec. 29, 1869, p. 155; Sec. 1, Act Feb. 18, 1873, p. 147.

of debts or other liabilities of said company, including loans, shall not at any time exceed one-half of the amount of capital actually paid in. *And provided further,* That no part of the capital stock or other funds of the company shall be at any time, directly or indirectly, loaned to any director, officer or agent of said company. *Proviso.*

No loan to be made to a director, officer or agent.

Commissioners to give twenty days notice to organize and elect directors.

SECTION 3. The said commissioners, or a majority of them, acting in the premises as aforesaid, shall, as soon as conveniently may be after the said letters-patent shall have been obtained, appoint a time and place for the subscribers to meet in order to organize the said company, and shall give at least twenty days' previous notice thereof in the various papers before mentioned, and the said subscribers, when met, shall by ballot elect, by a majority of the votes present, to be given in person or by proxy, thirteen directors, all of whom shall be citizens and residents of this Commonwealth, and shall be owners respectively of at least twenty shares in the stock of said company; the said directors and those thereafter to be chosen

Additional directors authorized, see Sec. 3, Act March 23, 1853, p. 42; Sec. 2, Act March 16, 1863, p. 105; Sec. 1, Act March 17, 1869, p. 133.

Qualifications of a director; changed, see Sec. 3, Act May 2, 1855, p. 51.











in pursuance of the provisions of this act, at their first meeting, At their first meeting directors shall choose a president.  
 shall choose by ballot one of their own number as president of said company, and the said president and directors shall conduct and manage the affairs and business of said company until the first Monday of June then next ensuing, and until others are chosen, and may make, ordain, and establish such by-laws, rules, orders and regulations, and do and perform such other matters and things as are by this act authorized. President and directors shall serve until first Monday of June succeeding, and until others are chosen.

SECTION 4. That the stockholders shall meet on the first Monday of December in every year, at such place in this Commonwealth as may be designated by the by-laws of the company, of which at least twenty days' previous notice shall be given in three or more daily newspapers published in the city of Philadelphia and elsewhere, as the board shall direct, and choose by a majority of votes thirteen directors, qualified as provided in the preceding section, for the year ensuing, who shall continue in office until the next annual election, and until others are chosen; at which annual meeting the said stockholders shall have full power and authority to make, alter, or repeal, by a majority of the votes given, any or all such by-laws, rules, orders, and regulations as aforesaid, and do and perform every other corporate act authorized by their charter. The stockholders may meet at such other times and places as they may be summoned by the president and directors in such manner and form, and giving such notice as may be prescribed by the by-laws; and the president, on the request, in writing, of any number of stockholders representing not less than one-tenth in number and interest, shall call a special meeting, giving the like notice, and stating specifically the objects of such meeting, and the objects stated in such notice, and no other shall be acted upon at such meeting; nor shall any business be transacted at any such special meeting, unless a majority of the stock shall be there represented; but the meeting may adjourn from day to day, or until such times as a majority in interest shall be present.

Annual meeting of stockholders to be held on first Monday of Dec., and twenty days' notice to be given; changed to first Monday of Feb., see Sec. 2, Act April 26, 1850, p. 35; to third Tuesday of Feb., see Sec. 1, Act March 16, 1863, p. 105; and to second Tuesday of March, see Sec. 2, Act March 6, 1872, p. 145; and time of election of directors changed to first Monday of March, see Sec. 2, Act May 2, 1855, p. 51; and to Fourth Tuesday of March, see Sec. 2, Act March 6, 1872, p. 145.

Stockholders may meet at other times and call of president and directors in accordance with by-laws; and president may call special meeting on request of stockholders representing at least one-tenth in number and interest, the call to state the object of the meeting, and no other business to be transacted.

SECTION 5. That the elections for directors provided for in this act, shall be conducted in the following manner, that is to say: at the first election, the commissioners shall appoint three

Mode of conducting elections of directors.

stockholders, not being candidates, to be judges of the said election, and to hold the same; and at every succeeding election, the directors for the time being shall appoint three stockholders, who shall not be directors nor candidates, for the like purpose; and the persons so appointed by said commissioners and directors, shall respectively take and subscribe an oath or affirmation before an alderman or justice of the peace, well and truly, according to law, to conduct such election to the best of their knowledge and ability, and the said judges shall decide upon the qualifications of voters, and when the election is closed shall count the votes and declare who have been elected; and if it shall at any time happen that an election of directors shall not be made at the time specified, the corporation shall not for that reason be dissolved, but it shall be lawful to hold and make such election of directors on any day within three months thereafter, by giving at least ten days' previous notice of the time and place of holding said election, in the newspapers aforesaid, and the directors of the preceding year shall in that case continue in office, and be invested with all powers belonging to them as such, until others are elected in their stead. In case of the death, resignation or removal from this State of a director, or a failure to elect, in case of a tie vote, or in case any one of them ceases to be qualified to act as a director in the manner hereinbefore provided, the vacancy may be filled by the board of directors. At all general meetings or elections by the stockholders, each share of stock shall entitle the holder thereof to one vote, and each ballot shall have endorsed thereon the number of shares thereby represented, but no share or shares transferred within sixty days next preceding any election or general meeting of the stockholders shall entitle the holder or holders thereof to vote at any such election or general meeting, nor shall any person or party, females excepted, residing within ten miles of the place appointed for any such election or general meeting, be entitled to vote by proxy. No person shall represent by proxy more than three absent stockholders, nor shall any proxy be received, or entitle the holder thereof to vote, unless the same shall bear date, and have been duly executed and acknowledged before some person legally authorized at the place of executing the same to take such acknowledgments, within the three

If no election is made, another may be held within three months, on ten days' notice.

Directors to supply vacancies in their own body; also in case of a tie vote: see Sec. 3, Act May 2, 1855, p. 51.

Each share entitled to one vote.

Shares transferred within sixty days of an election not to entitle the holder to a vote. No one but a female, within ten miles of a general meeting to vote by proxy.

No person to represent by proxy more than three absent stockholders; and all proxies to be acknowledged within three months of the election.

months next preceding such election or general meeting, and every such proxy received and voted upon as aforesaid, shall be retained and filed amongst the papers of the company until after the next annual election or general meeting, subject to the inspection or examination of any stockholder who may desire it.

Proxies voted upon to be filed among the the papers of the company.

SECTION 6. That the president and directors for the time being are hereby authorized and empowered to exercise all the powers granted to the corporation. They shall meet at such times and places as shall be by them deemed most convenient for the transaction of their business, and when met, seven shall be a quorum; the president, if present, shall preside at all meetings of the board, and when absent, the board shall appoint a president *pro tem*. They shall keep minutes of their proceedings fairly entered in a suitable book to be kept for that purpose; they shall choose a secretary and treasurer, and may appoint or employ all such officers, engineers, agents, superintendents, artisans, workmen, or other persons, as in their opinion may be necessary or proper in the conducting and management of the affairs and business of said corporation, at such times, in such manner, and under such regulations as they may from time to time determine; they may require security in such amounts as they may deem necessary, of each or any of said officers or other persons by them appointed or employed, and generally to do all other such acts, matters, and things, as by this act and the by-laws and regulations of the said company they may be authorized to do. The treasurer of said company shall enter into one or more sureties, satisfactory to the president and directors, in a sum not less than thirty thousand dollars, conditioned for the faithful discharge of all the duties of his office while he shall continue to hold the same, and for faithfully accounting for and paying over according to law and the by-laws of the company, all moneys that may come into his hands as treasurer aforesaid, and for the payment to his successor in office, or other person authorized by the president and directors to receive the same, the balance of all such moneys, and in like manner for the delivery to said successor, or other person authorized as aforesaid, all books, papers, documents, accounts and property that he may have or hold by virtue of his office, and the bond or

The powers of the corporation to be exercised by the president and directors.

Seven to form a quorum.  
The president to preside when present.

The directors to keep minutes of their proceedings. Shall choose secretary and treasurer, and may appoint other officers.

May require security from any of their officers or agents.

The treasurer shall not give less than \$30,000 security.

The condition of the bond of the treasurer.

Bond to be renewed



at least once in two years. bonds of the treasurer shall be renewed at least once in every two years.

Salaries and wages.

No director to be allowed compensation but the president.

SECTION 7. The president and directors shall fix the amount of salaries and wages of the several officers, engineers, and agents employed by them, but no director shall be allowed any compensation but the president, whose salary shall be fixed by the vote of a majority of all the directors.

Certificates of stock to be delivered to the stockholders.

How to be signed, countersigned and sealed.

SECTION 8. That the president and directors first chosen shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one or more certificates or evidences, signed by the president, countersigned by the treasurer, and sealed with the common seal of the corporation, to each person or party entitled to receive the same, according to the number of shares by him, her, or them, respectively subscribed or held, which certificates or evidences of stock shall be transferable at the pleasure of the holder, in a suitable book or books to be kept by the company for that purpose, in person or by attorney duly authorized, in the presence of the president or treasurer, subject, however, to all payments due or to become due thereon; and the assignee or party to whom the same shall have been so transferred, shall be a member of said corporation, and have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties incident thereto, in the same manner as the original subscriber would have been. *Provided*, That no certificate shall be transferred so long as the holder thereof is indebted to said company, unless the board of directors shall consent thereto.

Stock transferable at pleasure in the presence of the president or treasurer.

The transferee of stock to be a member of the corporation.

Proviso.

No certificate of stock not paid for to be transferred without consent of directors.

Capital stock may be called in at the rate of \$5 a share, every sixty days.

Public notice for three successive weeks to be given; see Sec. 4, p. 9.

Stockholders liable to pay one per cent. a

SECTION 9. The capital stock of the company shall be called in, and paid at such times and places, and in such proportions and instalments, not, however, exceeding five dollars per share, in any period of sixty days, as the directors shall require, of which public notice shall be given, for at least three successive weeks next preceding the time or times appointed for that purpose, in the newspapers last above mentioned; and if any stockholder shall neglect to pay such a proportion or instalment so called for, at the time and place appointed, he,

she, or they, shall be liable to pay, in addition to the proportion or instalment so called for, at the rate of one per cent. per month for the delay of such payment; and if the same and the additional penalty, or any part thereof, shall remain unpaid for the period of six months, he, she or they shall, at the discretion of the directors, forfeit to the use of the company, all right, title and interest in, and to every and all share or shares, on account of which such default in payment may be made as aforesaid; or the directors may, at their option, cause suit to be brought before any competent tribunal, for the recovery of the amount due on such shares, together with the penalty of one per cent. per month as aforesaid; and in the event of a forfeiture, the share or shares so forfeited may be disposed of at the discretion of the president and directors, under such rules and regulations as may be prescribed by the by-laws; no stockholder shall be entitled to vote at any election, nor at any general or special meeting of the company, on whose share or shares any instalment or arrearages may be due, more than thirty days next preceding said election or meeting.

month on instalments due and unpaid.

If instalments and penalty, or a part, remain unpaid for six months, the shares may be forfeited.

Or suit may be brought.

Disposition of forfeited shares.

Stockholder cannot vote if part of any instalment be due and unpaid more than thirty days before election.

SECTION 10. That dividends of so much of the profits of said company, as shall appear advisable to the directors, shall be declared in the months of May and November, in each and every year, and be paid to the stockholders, or their legal representatives, on application at the office of said company, at any time after the expiration of ten days from the time of declaring the same; but the said dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if the said directors shall make any dividend, which shall impair the capital stock of the company, the directors consenting thereto shall be liable, in their individual capacities, to the said company, for the amount of capital stock so divided, recoverable by action of debt, as in other cases; and each director present, when such dividend shall be declared, shall be considered as consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend. *Provided, however, That after bona fide*

Dividends to be declared in May and November.

Payable after ten days from declaration changed to thirty days, see Act May 21, 1857, p. 81.

Dividends not to exceed net profits.

Directors consenting to make dividends out of capital to be liable therefor.

Director to be considered as consenting unless he enters protest on minutes forthwith.

Proviso.

When fifteen miles at each end of road are put under contract 5 per cent. per annum to be credited on stock paid in.

Proviso repealed, see Sec. 2, Act March 27, 1848, p. 28.

When fifty miles at each end of road are done and in use, the credit of 5 per cent. per annum to be discontinued.

Proviso.

No dividends to be made until fifty miles at each end of road are done and in use.

A loan of any money received as stock to be taken as a violation and forfeiture of the charter.

contracts shall have been made for the immediate construction of fifteen miles of road, at each end thereof, a sum equal to five per centum per annum, on all capital stock of said company actually paid in, shall be estimated and credited to the several holders thereof, on account of the amounts payable by them, respectively, for stock subscribed; and shall so continue to be estimated and credited, until one hundred miles of said railroad, that is to say: fifty miles thereof, commencing at the city of Pittsburgh and extending eastward, and fifty miles thereof, commencing at the easternmost terminus of said road, and extending westward, shall be completed and in use, which said estimates and credits shall be estimated and considered as part of the cost of construction: *And provided further*, That no dividends or profits shall be made, until one hundred miles of said road shall be completed, and in use, as is specified in the foregoing proviso; and if any loan of any part of the money received on the subscription to the stock be made to any officer, stockholder, or agent of the said company, or to any other person or corporation, it shall be deemed and taken as a violation and forfeiture of the charter authorized by this act, to be ascertained and declared; as provided in the twenty-fourth section of this act.

Company to fix route, but not to pass through a grave-yard, church or dwelling house.

As to dwelling houses construed by Sec. 3, Act March 27, 1848, p. 28, and by Sec. 2, Act Feb. 17, 1854, p. 46.

The ground taken for the railroad not to exceed four rods in width, except for deep cuts, sidings, depots, &c.

To unite with the H. P. M. & L. Railroad.

SECTION 11. That the president and directors of said company shall have power and authority by themselves, their engineers, superintendents, agents, artisans, and workmen, to survey, ascertain, locate, fix, mark and determine such route for a railroad as they may deem expedient, not however passing through any burying-ground, or place of public worship, or any dwelling-house, without the consent of the owner or owners thereof, and not, except in the neighborhood of deep cuttings or high embankments, or places selected for sidings, turn-outs, depots, engine or water stations, to exceed four rods in width, and thereon to lay down, erect, construct and establish a railroad with one or more tracks, with such branches or lateral roads as are hereinafter mentioned, and with such bridges, viaducts, turn-outs, sidings, or other devices, as they may deem necessary or useful, beginning at and uniting with the western terminus of the Harrisburg, Portsmouth, Mountjoy and Lancaster railroad, in the borough of Harrisburg.



Proviso.

*Provided*, Said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company shall be subject to, and consent to, the same rate of tax on tonnage for the use of the State, as is provided to be paid in this act by the Pennsylvania Railroad Company; and in case the said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company should not agree to comply with these conditions within three months after the distance of fifteen miles from Harrisburg westward shall *bona fide* be put under contract, the said Pennsylvania Railroad Company are authorized to connect their road with the Columbia Railroad, at or near the borough of Columbia, in Lancaster county; and thence by such direct practicable route, with moderate gradients, as will, in the opinion of the said president and directors, most conduce to the public interest and the interests of said company, having due regard to economy in the construction, maintenance and management thereof, and terminating at such point or points in, at, or near the city of Pittsburgh, or other place in the county of Allegheny, with authority to extend said road, or a branch thereof, to the town or harbor of Erie, in the county of Erie, as to the said president and directors may seem most advantageous or expedient, and in like manner by themselves, or other persons by them appointed or employed as aforesaid, to enter into and upon, and occupy all land on which the said railroad or depots, warehouses, offices, toll-houses, engine and water stations, or other buildings or appurtenances hereinbefore mentioned, may be located, or which may be necessary or convenient for the erection of the same, or for any other purpose necessary or useful in the construction, maintenance or repairs of said railroad, and therein and thereon to dig, excavate, and embank, make, grade, lay down and construct the same; and it shall in like manner be lawful for the said company, their officers, agents, engineers, contractors or workmen, with their implements and beasts of draft or burden, to enter upon any lands adjoining, or in the neighborhood of the said railroad so to be constructed, and to quarry, dig, cut, take and carry away therefrom any stone, gravel, clay, sand, earth, wood, or other suitable material necessary or proper for the construction, maintenance or repairing of said railroad, or for the construction of any bridges, viaducts,

H. P. M. & L. Railroad Company to agree to the same tax on tonnage.

See Sec. 6, Act March 27, 1848, p. 30.

If H. P. M. & L. Railroad Company do not agree within three months after putting 15 miles under contract, then may connect with Columbia Railroad.

Route to be direct, if practicable, with moderate gradients, to a point in, at, or near Pittsburgh.

Branch may be made to Erie.

Company may enter upon all lands necessary for railroad.

May cut and carry away material necessary for the making, maintenance and repair of road.

or other buildings which may be required for the use, maintenance, or repairs of said railroad: *Provided*, That such compensation shall be made, secured, or tendered to the owner or owners of any such lands or materials as shall be agreed upon between the parties, or in such manner as is hereafter mentioned: *Provided further*, That the timber used in the construction or repair of said railroad shall be obtained from the owners thereof only by agreement or purchase.

This section supplied pro tanto, except as to proceedings commenced, by Sec. 4, Act March 27, 1848, p. 28. See also Act April 5, 1849, p. 33.

SECTION 12. That when the said company cannot agree with the owner or owners of any lands or materials, for the compensation proper for the damage done or likely to be done to, or sustained by, any such owner or owners of such lands and materials which said company may enter upon, use, or take away in pursuance of the authority hereinbefore given, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the Court of Quarter Sessions of the proper county, on application thereto by petition, either by said company or owner or owners, or any one in behalf of either, shall issue their precept to the sheriff of the county, commanding said sheriff to summon twenty discreet and disinterested persons, freeholders of said county, to act as jurors, and to meet at such convenient place near the premises, as in the said precept or by the said sheriff may be designated, in not less than ten, nor more than twenty days, giving such reasonable notice as the court may direct to both parties, by publication or otherwise, whose duty it shall be to ascertain and report to said court, whether any, and if any, what damages have been, or may be sustained by the owner or owners of said land or materials by reason of the construction of said railroad, or by reason of the materials used or taken away, in manner aforesaid; and if twelve or more of the said jurors attend, they shall be empaneled, and if twelve do not attend, the sheriff shall forthwith, or as soon thereafter as practicable, summon others to attend on a day by him fixed for that purpose; and the said twelve jurors being so empaneled, and having been first sworn or affirmed, by said sheriff, or his deputy, faithfully, justly and impartially to decide, and

On failure to agree, &c., application to be made to the Court of Quarter Sessions of the proper county, for twenty freeholders to assess the damages done by the company. Changed. See Sec. 1, Act Feb. 17, 1854, p. 46.

Twelve jurors to be qualified and decide.



true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire, in pursuance of the provisions of this act; and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be so taken or occupied, or the materials so used or taken away, or to be so used or taken away, as the case may be, and having a due regard to, and making just allowance for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said land or materials, in consequence of the opening or making of said railroad; and after having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine whether any, and if any, what amount of damages have been or may be sustained, and to whom payable, and make report thereof to the court; and if any damages be awarded, and the report be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid, execution may issue thereon, as in other cases of debt, for the sum so awarded; and the cost and expenses incurred shall be defrayed by said railroad company: *Provided*, That if said report be not confirmed, as aforesaid, and justice may seem to require it, a new inquisition may be ordered by said court: *And provided further*, That any owner or owners, or other party applying for a review, shall be liable to the costs of the proceedings prayed for, in case a report more favorable be not obtained upon such review: *And provided further, nevertheless*, That nothing herein contained shall authorize the said company to enter upon any lands, or take any property, without making compensation to the owners of said property, or give adequate security therefor: *And be it further provided*, That in all cases where the parties cannot agree on the amount of damages claimed either for land or materials, the company shall tender a bond, with sufficient security, to the party claiming the damages; the condition of which shall be, that the company will pay, or cause to be paid, such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon by the parties, or assessed by the provisions of this act: *And provided further*, That in case the party or parties claiming

The jury shall view the premises.

The jury to report the damages, and to whom payable.

Proviso.

The court may order a new inquisition.  
Proviso.

Proviso.

Company not to enter upon land before paying or giving security therefor.

Where the company and parties cannot agree, the company shall give bond, with security, to pay the damages assessed.

If parties refuse to take the bond ten-

dered, the company shall offer it for approval to the Court of Common Pleas of the county.

The bond, if approved, shall be filed for the benefit of the parties entitled.

damages refuse to accept the bond as tendered by the company, the company shall, in every such case, present their bond to the Court of Common Pleas of the proper county; and if the court approve of the security, shall direct the same to be filed for the benefit of those to whom it is given, which bonds shall be answerable as all other debts for the amount of damages assessed, if the same be not paid in a reasonable time after such assessment.

The railroad not to impede the passage along any established road it may cross.

SECTION 13. That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual proper wagon ways across said road or roads, from one part of his lands to the other.

Wagon ways to be made for persons whose land the railroad divides.

Service of process.

SECTION 14. That in all suits or actions against the said company, the service of process on the president, secretary, treasurer, engineer, agent, or any director of said company, shall be good and available in law; but no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed, or cause of action accrued; and the defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Action to be commenced within twelve months after the alleged cause occurred.

General issue may be pleaded, and the special matter given in evidence.

Injuries to the railroad to be punished by threefold the damages sustained.

SECTION 15. That if any person or persons shall wilfully and knowingly break, injure or destroy the railroad hereby authorized, or any part thereof, or any edifice, device, property or work, or any part thereof, or any machinery, engine, car, implement or utensil, erected, owned or used by the said company, in pursuance of this act, he, she, or they so offending, shall forfeit and pay to the said company three times the actual damage so sustained, to be sued for and recovered, with full

costs, before any tribunal having cognizance thereof, by action in the name and for the use of said company.

SECTION 16. That if any person or persons shall wilfully and maliciously remove or destroy any of the company's constructions, or place designedly and with evil intent, any obstruction on the line of said railroad, so as to jeopard the safety or endanger the lives of persons traveling on or over the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned in the penitentiary for a term not less than three months, nor more than three years: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

Persons wilfully obstructing the railroad punishable criminally.

Proviso.  
Civil remedy also may be pursued.

SECTION 17. That the said company shall not prevent any person or persons, being the owner or owners of land bordering on or adjacent to said railroad, from making lateral railroads, and connecting the same with the railroad of the company, for the purpose of transporting thereon their produce or other material, being the products of said land; the said connections being made at the expense of the person or persons wishing the same, and according to the directions and subject to the approval of the directors of said company, or their authorized agent; and it shall be lawful for the said company, in the manner and subject to the conditions and provisions hereinbefore provided in relation to the main line of their railroad by this act authorized to be made, to make such lateral railroads or branches, leading from the main line of their said railroad, to such convenient place or points, in either of the counties into or through which the said main line of their road may pass, as the president and directors may deem advantageous, and suited to promote the convenience of the inhabitants thereof, and the interests of said company.

Owners of land may make lateral railroads for conveying the products thereof.

Expense of connections.

The company may construct branches from main line in any county.

SECTION 18. That in times of war, invasion, or domestic insurrection, the said company shall carry and transport, or permit to be carried and transported on said railroad, any troops called into service by any competent authority, their ordnance, munitions and military stores, at one-half the usual charge for

Troops and munitions of war to be carried at half price.



the time being for carrying and transporting other passengers and freight.

A full report to be made annually, for the year ending with the last day of October, by the president and directors to the stockholders. Changed to last day of December, see Sec. 3, Act April 26, 1850, p. 35.

SECTION 19. That at each annual meeting of the stockholders of said company, the president and directors, for the year preceding, shall lay before them a complete and full statement of the affairs of the company for the year ending on the last day of October immediately preceding, exhibiting, under the various appropriate heads, the amount of moneys received, and from what sources, the amount disbursed, and for what purpose, the balance remaining with the company; which statement shall be accompanied with a report of the acts and proceedings of the company for the same period, with such further information as may be requisite to convey to the stockholders a full knowledge of the affairs and condition of said company; the said statement and report shall be published, as soon as conveniently may be, in pamphlet form, and in such newspapers as the stockholders and president and directors may designate, and a copy thereof shall be transmitted to the Governor, and to each branch of the Legislature, at its next annual meeting.

Capital stock may be increased to \$10,000,000; see Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

SECTION 20. That if any increase of the capital stock shall be deemed necessary, in order to complete or improve the said railroad or appurtenances, it shall be lawful for the stockholders of said company, at any annual meeting, or at any special meeting convened for that purpose, in manner as aforesaid, to increase and dispose of any additional number of shares, not exceeding fifty thousand, so that the whole amount of said capital stock shall not exceed ten millions of dollars, and receive and demand the moneys for the said additional shares, in like manner and subject to the same conditions hereinbefore provided for the original subscriptions, or as shall be provided for in the by-laws of said company.

The railroad, and each part as finished, to be a public highway.

SECTION 21. That upon the completion of said railroad, or any part thereof, the same shall be esteemed a public highway, for the conveyance of passengers and the transportation of freight, subject to such rules and regulations in relation to the same, and to the size and construction of wheels, cars, and carriages, the weight of loads, and all other matters and things connected

with the use of said railroad, as the president and directors may prescribe and direct: *Provided*, That the said company shall have the exclusive control of the motive power, and may from time to time establish, demand, and receive, such rates of toll or other compensation, for the use of the said road, and of said motive power, and for the conveyance of passengers, the transportation of merchandise and commodities, and the cars or other vehicles containing the same, or otherwise passing over or on said railroad, as to the president and directors shall seem reasonable: *Provided, however, nevertheless*, That said rates of toll and motive power charges, so to be established, demanded, or received, when the cars used for such conveyance or transportation are owned or furnished by others, shall not exceed two and a half cents per mile for each passenger; three cents per mile for each ton of two thousand pounds for freight; three cents per mile for each passenger or baggage car, and two cents per mile for each burden or freight car, every four wheels being computed a car; and in the transportation of passengers, no charge shall be made to exceed three cents per mile for through passengers, and three and a half cents per mile for way passengers.

*Proviso.*

The company to have control of the motive power, and to establish rates of toll.

*Proviso.*

Rates of toll and motive power,  $2\frac{1}{2}$  cents a mile for a passenger, and 3 cents a ton for freight, where cars are not owned by the company.

Rates of toll and motive power.

SECTION 22. That all tonnage, of whatsoever kind or description, except the ordinary baggage of passengers, loaded or received at Harrisburg or Pittsburgh, or at any intermediate point, and carried or conveyed on or over said railroad, more than twenty miles, between the tenth day of March and the first day of December in each and every year, shall be subject to a toll or duty, for the use of the Commonwealth, at the rate of five mills per mile for each ton of two thousand pounds; and it shall be the duty of said company, between the twentieth and thirtieth days of July, and between the first and tenth days of December, in each and every year, after thirty miles or more of said railroad shall have been completed and in use, to cause to be made out, and filed with the Auditor-General, a true and correct statement, exhibiting the amount of such tonnage so loaded or received, and the distance so carried or conveyed, during the respective periods intervening between the said tenth day of March and the twentieth day of July, and between the said twentieth day of July and the first day of December, in each

Tonnage regulated between March 10, and December 1.

Commuted and repealed; see Sec. 1, Act March 27, 1848, p. 27; Sec. 3, Act May 16, 1857, p. 62; Sec. 1 Act March 7, 1861, p. 96.

Reports of tonnage to be made to the Auditor-General annually after 30 miles of railroad are completed.



and every year; which said statement shall be verified by the oath or affirmation of the receiving or forwarding agent or agents, or other proper officer or officers of said company having knowledge of the premises; and at the time of filing said statement, on or before the said thirtieth day of July and the tenth day of December, in each and every year, the said company shall pay to the State Treasurer the amount of said toll or duty so accruing for the use of the Commonwealth, during the respective intervening periods before mentioned.

Payment of the sum due to be made to the State Treasurer.

Proviso.

The Governor may appoint State agents, if necessary, to keep an account of tonnage transported.

State agents may examine all books of the company for this purpose.

*Provided*, That if it shall hereafter be deemed necessary or expedient, the Governor may appoint one or more State agents, not exceeding three, who shall have the right at all times to travel free of charge on or over said railroad, between Harrisburg and Pittsburgh, in the cars or other vehicles of the company used for the conveyance of passengers; and at all times, during the usual hours of business, shall have free access to, and liberty to inspect and examine all such books, accounts, way-bills, bills of freight, manifests and other papers of the company, as may be necessary and proper to enable the said agent or agents to ascertain and keep a true and correct account of all such tonnage so loaded, received, carried, or transported on or over said railroad, during the periods aforesaid; and the Legislature hereby reserves the right to adopt such additional measures to secure a faithful compliance with the conditions of this proviso, as may hereafter be deemed right and proper.

The State may purchase the railroad at the end of twenty years.

Repealed; see Sec. 3, Act May 16, 1857, p. 63.

The terms of purchase.

SECTION 23. That if the Legislature of this State shall, at the expiration of twenty years from the completion of said railroad, make provision by law for the repayment to the said company of the amount expended by them in the construction of said railroad, and in the construction of permanent fixtures, and all other appurtenances for the use of the same, together with all moneys expended by said company for repairs, attendance and otherwise, for the purpose of said railroad, with interest on such sums at the rate of eight per cent. per annum, after deducting the amount of tolls and other revenue received by said company, for the use of the same, then said railroad, with all its fixtures and appurtenances, shall vest in and become the property of the people of this State; but if the

The company to

Legislature shall not, at the expiration of the said period of twenty years, claim the said railroad, and so forth, as aforesaid, then the said company, with all its said rights and privileges, shall continue for another period of twenty years, subject to the claim of the Legislature, as aforesaid, at the expiration thereof, on the same terms and conditions as aforesaid, and so on from twenty years to twenty years.

enjoy their rights for twenty years more, if not bought by the State.

SECTION 24. That it shall at all times be lawful for a committee of the Legislature, appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been by the same abused or violated; and if the officers of said corporation shall refuse to be sworn or affirmed, or give evidence, or refuse to produce any of their books or papers that may be demanded, before any such committee, then the Legislature may, by law, declare the said charter void, and repeal the same; and whenever any committee as aforesaid shall find and report, or the Governor shall have reason to believe, that the charter has been violated, it may be lawful for the Legislature to direct, or the Governor to order, a *scire facias* to be sued out of the Supreme Court of Pennsylvania, in the name of the Commonwealth of Pennsylvania, which shall be served by the sheriff of any county in this Commonwealth, on the president, treasurer, or secretary, at the office of the corporation, for the time being, at least ten days before the commencement of the term of court, calling on said corporation to show cause why the charter hereby granted should not be declared forfeited; and it shall be lawful for the said court, upon the return of the *scire facias*, to examine into the truth of the alleged violations; and if such violations be made to appear, then to adjudge that the said charter is forfeited, and thereupon, and in case the Legislature shall have power to declare the said charter void, and to repeal the same for the cause aforesaid, the railroad aforesaid, with its appurtenances, and all estate, real and personal, of the said corporation, shall revert to and be vested in the Commonwealth, upon the payment by the Commonwealth, to the stockholders, the par value of their stock; and until the Commonwealth shall have made such payment to the president and directors of said company,

The books, &c., of the company to be open to a committee of the Legislature.

Refusal to produce, &c., may be a cause of forfeiture.

Proceedings to ascertain a cause of forfeiture.

The State to pay stockholders the par value of stock in case of forfeiture.

to be by them distributed among the stockholders, the rights, privileges, and franchises of said corporation shall remain as though said judgment and forfeiture had not been pronounced or declared: *Provided, however,* That every issue of fact, which may be joined between the Commonwealth and the corporation, in said proceedings, shall be tried by a jury, summoned by an officer to be named by the court, from the body of the State, and it shall be lawful for the court aforesaid to require and compel the production of such of the books and papers of the corporation on such trial, as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court shall be subject to all the usages of law as in other cases. The first twenty of the commissioners appointed in the first section of this act, or any five of them, shall have authority to convene the commissioners at such suitable time and place as they may designate for that purpose, giving sufficient notice thereof, as the occasion may seem to require. And all reasonable expenses incurred by the commissioners in the performance of the duties by this act imposed, shall be allowed and paid by the corporation out of the first instalment or payment, to be received by the commissioners at the time of subscribing, as hereinbefore provided.

Proviso.

Issue of fact to be tried by a jury.

Certain commissioners may convene the commissioners.

Corporation to pay the expenses incurred by commissioners, out of first instalment.

SECTION 25. That if the said company shall not commence the construction of said railroad within two years, and complete and open the same for use, with one or more tracks, within the term of ten years; or if, after the completion, the said railroad shall be suffered to go into decay, and be impassable for the term of two years, then this charter shall be null and void, except so far as relates to the payment of damages.

SECTION 26. That if any person or persons traveling on the road of the said company, or that of any other company in this Commonwealth, shall be wounded by reason of any imperfection or defect in such road, or in the machinery or cars employed on the same, or by the negligence of such company or their agents, no action brought by such person or persons against such company, to recover damages therefor, shall abate by the death of the plaintiff or plaintiffs, but the same shall survive to his or her executors or administrators.

Railroad to be begun in two and completed within ten years, and not to remain impassable for two years. Charter extended for ten years; see Act May 16, 1857, p. 59.

Action against company not to abate by death of plaintiff.











SECTION 27. The Legislature reserves the right to authorize any company hereafter chartered to connect any railroad not running parallel with the same, to be constructed by such company, with the railroad of the said Pennsylvania Railroad Company, at such point or points on said railroad as the Legislature may direct. *Provided*, That no higher rates of toll or of transportation shall be charged by said company, for persons or things having passed, or destined to pass, over such connecting road, than may be at the same time charged upon persons and things passing over the main line to and from Philadelphia and Pittsburgh.

Right reserved to charter another railroad to connect, but not to run parallel with this.  
Proviso.  
As to tolls.

## AN ACT

SUPPLEMENTARY TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY, PASSED APRIL, EIGHTEEN HUNDRED AND FORTY-SIX.

*P. L. 1846, page 326. Approved April 13th, 1846.*

SECTION 1. That nothing in the act to which this is a supplement shall be so construed as in anywise to impair the right of the Legislature to pass such additional laws as may be deemed expedient in furtherance of the objects contemplated by said act, and for the better enforcement of the provisions thereof; and, in case the charter of said company shall be forfeited in the manner therein provided, it shall be competent for the Legislature by law to vest the said railroad and appurtenances, and all the estate, real and personal, of the said company, in the Commonwealth, or in another company to be incorporated for that purpose, upon the payment to said Pennsylvania Railroad Company, for distribution amongst the stockholders, according to their several interests, the actual value of their said railroad appurtenances and other property, to be ascertained and appraised by twelve disinterested persons, acting under oath or affirmation, to be appointed and governed in their proceedings in relation thereto, in such manner as the Legislature shall by law direct. *Provided*, That in case the

Construction of Act to which this is a Supplement.  
In case of forfeiture, the State to pay the actual value of corporate estate to company.  
How appraised.  
Proviso.

Charge on tonnage  
a lien.

said company shall at any time fail to pay the toll or charge on tonnage, which may accrue or become due to the Commonwealth under the provisions of said act, the same shall be and remain a lien on the property of the said company, and shall have precedence over all other liens or incumbrances thereon, until paid.

## A FURTHER SUPPLEMENT

TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY, PASSED APRIL THIRTEENTH, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

*P. L. 1848, page 273. Approved March 27th, 1848.*

Allegheny county,  
cities of Pittsburgh  
and Allegheny, and  
municipal corpora-  
tions of Philadelphia  
county, and city of  
Philadelphia, made  
competent to sub-  
scribe for stock.

SECTION 1. That under the provisions of the first section of the act, entitled "An Act to incorporate the Pennsylvania Railroad Company," approved the thirteenth day of April, one thousand eight hundred and forty-six, it shall be competent to the county of Allegheny, the cities of Pittsburgh and Allegheny, and the municipal corporations in the county of Philadelphia, and the said act shall be construed to have authorized the city of Philadelphia to subscribe for shares in the capital stock of

Authorized to borrow  
money.

said Pennsylvania Railroad Company, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to said corporations; and no certificate or bond issued shall be for a less sum than one hundred dollars, and shall be transferable only on the books of the respective corporations kept for that purpose; and the certificates of loan or bonds issued, or to be issued, by any such corporations for the purpose aforesaid, bearing an interest of six per centum per annum, payable half-yearly, may be received as cash by the company named in said act in payment of the instalments

Amount of such sub-  
scription.

on shares subscribed by such corporation; but the total amount of the shares in the capital stock aforesaid, subscribed for by any such corporation, shall not exceed five per cent. on the assessed value of the property subject to taxation for state or

county purposes, within the limits of such corporation :

*Provided*, That any city or other municipal corporation, or Proviso.

the county of Allegheny aforesaid, may be represented at elections and at other meetings of the said company, by agents duly authorized by the commissioners of said counties, and by the mayor or chief officers of said cities, or other municipal corporations, acting under resolutions passed by the constituted authorities thereof; *Provided, also*, \* That any county, city, Proviso.

or municipal corporation, that shall be possessed of ten thousand or more shares in the capital stock of said company, shall, in lieu of voting at the general elections of said company hereafter, be entitled by the constituted authorities thereof, to elect one director out of the number designated in the act to which this is a supplement, within one month prior to the first Monday in December, for each and every ten thousand shares held by said corporation; but no county or corporation shall

When corporations  
may elect directors.

be entitled to elect more than three directors, and a majority of the board of directors shall, at all times, be elected by the private stockholders; if at any time the corporations who

Never entitled to  
more than three.

have subscribed to the stock shall be entitled, under this provision, to more than six directors, then the number of directors to which such corporation (as elect more than one director) is entitled to, shall be reduced in such manner as shall be determined upon by the directors in office, so as to do justice to all: *Provided further*, That all directors elected by said corporations shall be possessed of not less than twenty shares of the stock of said company, in their own right, and shall not be members of the body by which they are elected:

Private stockholders  
always to elect majority of the board.

*Provided further*, That the tax on tonnage of five mills per ton per mile, from the tenth of March to the first of December, payable to the State Treasury under the provisions of the twenty-second section of the act to which this is a supplement, be commuted to a tax of three mills per ton per mile during the whole year; and if, after two years from the completion of the road, the commutation to three mills herein provided shall not yield as much revenue to the Commonwealth as would have been received under the original provision, then

Proviso.

*Provided further*, That the tax on tonnage of five mills per ton per mile, from the tenth of March to the first of December, payable to the State Treasury under the provisions of the twenty-second section of the act to which this is a supplement, be commuted to a tax of three mills per ton per mile during the whole year; and if, after two years from the completion of the road, the commutation to three mills herein provided shall not yield as much revenue to the Commonwealth as would have been received under the original provision, then

Proviso.

Tax on tonnage; see Sec. 22, Act April 13, 1846, p. 21; Sec. 3, Act May 16, 1857, p. 52; Sec. 1, Act March 7, 1861, p. 96.

Coal and lumber exempted; see Act May 7, 1855, p. 52.

Repealed; see Sec. 1, Act March 7, 1861, p. 96.

\* The county of Allegheny last chose directors in 1858, and the city of Philadelphia in 1879.



the rate of five mills, as originally provided for, may be restored at the option of the Legislature; said tax to cover all freight carried over the road more than twenty miles.

Company to pay interest semi-annually.

SECTION 2. That the directors of the Pennsylvania Railroad Company be and are hereby authorized to pay to the shareholders entitled to receive the same, in the months of May and November, in each year, interest at the rate of six per cent. per annum, on all instalments paid by them, which interest shall be charged to the cost of construction, and continue to pay the same until the said road shall be completed; and that, until the period for which a dividend shall be declared, all the profits and earnings of the said railroad shall be credited to the cost of construction: *Provided*, That no stockholder who has neglected, or who hereafter shall neglect to pay up the instalments as called for, shall be entitled to receive interest on the same; and the directors of said railroad company are hereby required strictly to enforce the penalty which is provided in the case of delinquencies under the act to which this is a supplement; and the provisoes to the tenth section be and the same are hereby repealed: *Provided further*, That the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized.

Proviso.  
Stockholder neglecting to pay instalments not to receive interest.

Provisoes to Sec. 10, Act April 13, 1846, p. 14; and see Sec. 2, Act Feb. 17, 1854, p. 46.

Construction of Sec. 11, Act April 13, 1846, p. 14; and see Sec. 2, Act Feb. 17, 1854, p. 46.

Proviso.  
Compensation for damages.

SECTION 3. That so much of the eleventh section of said act, as prohibits the Pennsylvania Railroad Company from passing through any dwelling-house, shall be construed only to extend to homesteads in possession and occupancy of the owner or owners, and shall not extend to dwellings kept for rent: *Provided*, That full compensation be made to the owner or owners of such buildings, for all damage sustained thereby, the same to be ascertained as in other cases.

Damages, how to be assessed.

SECTION 4. That when the Pennsylvania Railroad Company cannot agree with the owner or owners of any lands or materials, for the compensation proper for the damage done, or likely to be done to, or sustained by any such owner or owners of such lands or materials which said company may enter upon, use, or take away in pursuance of the authority given them by the act to which this is a supplement, or by reason of the absence or

legal incapacity of any such owner or owners, no such compensation can be agreed upon, the Court of Common Pleas of the proper county, on application thereto, by petition, either by said company or owner or owners, or any one in behalf of either, shall appoint five disinterested persons of the next adjoining county or counties, none of whom shall be residents of any of the counties through which said railroad shall pass, and to fix a time, not less than twenty, nor more than thirty days thereafter, for said viewers to meet upon the premises where the damages are alleged to be sustained, of which time and place ten days' notice shall be given by the party petitioning to said viewers, and to the other party, and the said viewers having been first sworn or affirmed by some power competent to administer oaths, faithfully justly and impartially to decide, and true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire, in pursuance of the provisions of this act; and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be taken and occupied, or the materials so used or taken away, or to be used or taken away, as the case may be, and having a due regard to, and making just allowances for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said lands or materials, in consequence of the opening or making of said railroad, or the construction of works connected therewith; and after having made a fair and just comparison of said advantages or disadvantages, they shall estimate and determine whether any, and if any, what amount of damages have been sustained or may be sustained, and to whom payable, and make report thereof to the court; and if any damages be awarded, and the report be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid, execution may issue thereon as in other cases of debt, for the sum so awarded; and the cost and expenses incurred shall be defrayed by said railroad company; and the said viewers shall be entitled to two dollars per day for each of them for the time necessarily employed in performing the duties hereinbefore prescribed: *Provided*, That nothing herein contained shall authorize the said company to enter upon any lands or take

Court of Common Pleas of proper county to appoint viewers.

See Sec. 1, Act Feb. 17, 1854, p. 46.

See Sec. 1, Act April 26, 1850, p. 35.

Judgment and execution for the damages.

Costs.

Compensation of viewers; see Sec. 1, Act April 26, 1850, p. 35.

Proviso.

Proviso.  
When judges are in-  
terested.

any property without making compensation to the owners of said property, or give adequate security therefor: *And provided*, That if either or all of the judges of the Court of Common Pleas aforesaid, is or are interested in the said railroad as officers, stockholders, contractors, or otherwise, then the viewers aforesaid shall be selected and appointed by the sheriff and commissioners of the proper county, in like manner and with like powers, as if appointed by the Court of Common Pleas:

Proviso.

When tender of dam-  
ages will relieve from  
costs.  
As to tender of bond  
and approval thereof  
by court, see Sec. 12,  
Act April 13, 1846, p.  
17; and see also Sec.  
1, Act Feb. 17, 1854, p.  
46.

*Provided further*, That if the proper officer of said company, at any time before application made by either party for the appointment of viewers, in the manner hereinbefore directed, shall tender to the owner or owners of said lands or materials a sum of money, in full compensation for his or their said damages, said company shall not be liable for costs on any subsequent proceedings, unless such owner or owners of land or materials shall be awarded a larger sum than the previous tender of said company: *Provided*, That in all cases where

Proviso.

See declaratory Act  
April 5, 1849, p. 33.

proceedings have been instituted under the twelfth section of the act of the thirteenth of April, one thousand eight hundred and forty-six, the same shall be continued and proceeded in according to the provisions of the aforesaid act.

Crossing or occupying  
turnpike roads, to re-  
construct the same.

SECTION 5. That if said railroad company shall find it necessary to change the site of any portion of any turnpike or public road they shall cause the same to be reconstructed forthwith, at their own proper expense, on the most favorable location, and in as perfect a manner as the original road: *Provided*, That the damages incurred in changing the location of any road authorized by this section, shall be ascertained and paid by said company, in the same manner as is provided for in regard to the location and construction of their own road.

Proviso.

Method of enforce-  
ment, see Act March  
20, 1849, p. 31; Act  
April 12, 1851, p. 37.

Construction of first  
proviso, Sec. 11, Act  
April 13, 1846, p. 15,  
as to tonnage.

SECTION 6. That the first proviso contained in the eleventh section of the act to which this is a supplement, shall be so construed as to extend exclusively to such tonnage as shall have, under the twenty-second section of said act, become liable to taxation on its transit over the Pennsylvania Railroad, and that said road, referred to in said proviso, shall terminate at or near the city of Pittsburgh.

SECTION 7. That the said Pennsylvania Railroad Company be and are hereby authorized to connect their railroad with the Allegheny Portage Railroad, by the most practicable route at such points at or near Hollidaysburg and Johnstown, as may be agreed upon with the canal commissioners.

Authorized to connect with Allegheny Portage Railroad.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company April 14th, 1848.

## A SUPPLEMENT

TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1849, page 196. Approved March 20th, 1849.*

WHEREAS, The Legislature, by the fifth section of an act passed the twenty-seventh March, one thousand eight hundred and forty-eight, entitled "A further supplement to An Act to incorporate the Pennsylvania Railroad Company," did provide, that if said railroad company shall find it necessary to change the site of any portion of any turnpike or public road, they shall cause the same to be reconstructed forthwith, at their own proper expense, in the most favorable location, and in as perfect a manner as the original road; but there is no provision made for compelling the said company to comply with this law; therefore,

Preamble.

SECTION 1. That if in the construction of their road by the Pennsylvania Railroad Company, it shall have been or may hereafter be necessary to change the site of any portion of any turnpike or public road, when the necessary time shall have elapsed to have enabled the said railroad company to comply with the provisions of the fifth section of the act of the twenty-seventh March, one thousand eight hundred and forty-eight, requiring them to reconstruct such turnpike or public road, it

When the site of any portion of a turnpike or public road is changed, and not reconstructed within the proper time, application to be made to the Court of Quarter Sessions.  
See Sec. 5, Act March 27, 1848, p. 30; Act April 12, 1851, p. 37.



shall be the duty of the Court of Quarter Sessions of the county in which such turnpike or public road shall be located, upon the petition of the company owning the said turnpike, or of any twelve or more citizens of the township in which the said public road may be, to appoint three competent persons, citizens from an adjoining county, through which the said road does not pass, as viewers, whose duty it shall be to view the place where the said turnpike or public road was, and make report to the said court at their next session, whether the said Pennsylvania Railroad Company have complied with their duty in making said turnpike or public road as they are required by the said law to do; and if the said viewers shall report to the said court that the Pennsylvania Railroad Company has complied with the provisions of the said act of assembly, and the said report shall be approved by the court, an order shall be then made, that the costs and expenses of the said view shall be paid by the petitioners; but if the said viewers shall report to the said court, that the said company has not complied with the provisions of the said act of Assembly, and the said report shall be approved by the court, the expenses thereof shall be paid by the said railroad company; then it shall be the duty of the said court to order and decree that the said turnpike or public road, as the case may be, shall be made, finished and completed as the said Pennsylvania Railroad Company, by the provisions of the said fifth section of the act of twenty-seventh March, one thousand eight hundred and forty-eight, were bound to finish and complete the same: *Provided*, That if either party shall be dissatisfied with the decrec, they may have the right to a review under the provisions of this act.

Who to make the application.

Viewers to be appointed, and their duties.

Order of court when viewers report that the railroad company has complied with Act of Assembly.

Who to pay costs.

Order when the report is against the railroad company.

Proviso.

Right to a review.



## AN ACT

DECLARATORY OF THE FOURTH SECTION OF AN ACT SUPPLEMENTARY TO THE CHARTER OF THE PENNSYLVANIA RAILROAD COMPANY, APPROVED MARCH TWENTY-SEVENTH, ONE THOUSAND EIGHT HUNDRED AND FORTY-EIGHT.

*P. L. 1849, page 341. Approved April 5th, 1849.*

SECTION 1. That the last proviso to the fourth section of the supplement to the act to incorporate the Pennsylvania Railroad Company, passed the twenty-seventh day of March, one thousand eight hundred and forty-eight, shall be so construed, that those cases wherein proceedings have been commenced under the twelfth section of the act of the thirteenth of April, one thousand eight hundred and forty-six, and have been proceeded in, shall be continued to final judgment and execution under and according to the provisions of the act of one thousand eight hundred and forty-six, which, as well as the said proviso, shall remain in full force for that purpose.

Construction of the last proviso to Sec. 4. Act March 27, 1848, p. 30, as to damages.

## AN ACT

TO EXEMPT CERTAIN CERTIFICATES OF LOAN FROM TAXATION FOR COUNTY AND MUNICIPAL PURPOSES.

*P. L. 1849, page 360. Approved April 5th, 1849.*

SECTION 1. That the certificates of loan heretofore issued, or which shall hereafter be issued by the county of Allegheny, by the city of Pittsburgh, by the city of Allegheny, or by the city of Philadelphia, in payment of any subscription made by said county or cities, to the capital stock of the Pennsylvania Railroad Company, or the capital stock of the Ohio and Pennsylvania Railroad Company, be and the same are hereby exempted from all taxation within this Commonwealth, except for State purposes.

Certain certificates of loan exempt from taxation except for State purposes.

## A SUPPLEMENT

TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF PETERSBURG, IN THE COUNTY OF PERRY, INTO A BOROUGH," &c.

*P. L. 1850, page 1031. Approved April 2d, 1850.*

Borough of Petersburg - authorized to pass ordinances and impose penalties, for protection of lives, &c., of citizens, to prevent P. R. R. Company from running engines and cars through borough at greater speed than 8 miles an hour, and compel them to give notice by bell or whistle at crossings.

SECTION 6. That the town council of the borough of Petersburg aforesaid, shall have full power and authority to pass such ordinances, and impose and enforce such penalties from time to time, for the protection of the lives and property of the citizens of said borough, as shall effectually prevent the Pennsylvania Central Railroad Company, or their agents, from running their engines and cars through the said borough at a greater speed than eight miles per hour, and to compel them to give due notice, by bell or whistle, before passing any of the cross streets or roads within the limits of said borough.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD TO CONSTRUCT A LATERAL ROAD IN THE COUNTY OF INDIANA, &c.

*P. L. 1850, page 373. Approved April 6th, 1850.*

Authorized to construct a lateral railroad; subject to provisions of Act incorporating P. R. R. Company and Supplements thereto. Toll on tonnage excepted by Act Jan. 29, 1852, p. 37.

SECTION 4. That the Pennsylvania Railroad Company be and is hereby authorized to construct a lateral railroad from a point at or near Liebgood's Summit, on the said Pennsylvania Railroad, in Derry Township, Westmoreland county, to a point at or near the borough of Blairsville, in the county of Indiana, subject to the provisions contained in the act of assembly incorporating said company, and the various supplements thereto.

## A FURTHER SUPPLEMENT

## TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1850, page 583. Approved April 26th, 1850.*

SECTION 1. That the viewers appointed for the purpose of assessing damages in pursuance of the act of the twenty-seventh of March, Anno Domini one thousand eight hundred and forty-eight, entitled "An Act to incorporate the Pennsylvania Railroad Company," be entitled to receive as a compensation two dollars per day while engaged in said business; that one or more of said viewers shall have power to adjourn from day to day, and that a majority of the said viewers so appointed shall have power to view and assess damages, and to report as fully and with like effect as though all were present.

Compensation of viewers, and their powers.

See Sec. 4, Act March 27, 1848, p. 29.

*And provided further,* That a penalty of ten dollars be imposed on any of the said viewers who shall neglect or refuse to attend after appointment and due notice, at the time and place named, unless unavoidably prevented; said penalty to be recoverable before any justice of the peace, as debts of similar amount are recoverable, for the use of the person suing for the same.

Proviso.

Penalty of ten dollars for neglect of duty.

SECTION 2. That hereafter the stockholders of the said Pennsylvania Railroad Company shall meet on the first Monday of February, in every year; and that so much of the fourth section of the act, entitled "An Act to incorporate the Pennsylvania Railroad Company," approved the thirteenth day of April, one thousand eight hundred and forty-six, as prescribes the first Monday in December as the day of the annual meeting, is hereby repealed.

Stockholders to meet on first Monday of Feb.: see Sec. 4, Act April 13, 1846, p. 9; changed to third Tuesday of Feb., see Sec. 1, Act March 16, 1863, p. 105; and to second Tuesday of March, see Sec. 2, Act March 6, 1872, p. 143.

SECTION 3. That at each annual meeting of the stockholders of said company, the president and directors for the year preceding shall lay before them a full and complete statement of the affairs of the company for the year ending on the last day of December immediately preceding, and that so much of the nineteenth section of the act aforesaid, as prescribes the last

At annual meeting, president and directors to make report to the stockholders for year ending the last day of December: see Sec. 19, Act April 13, 1846, p. 20.

day of October as the day to which such statement shall be completed, is hereby repealed.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, December 9th, 1850.

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## AN ACT

TO INCORPORATE THE SOUTHERN GAS COMPANY, &C.

*P. L. 1850, page 768. Approved May 15th, 1850.*

SECTION 11. That the authority given to municipal corporations to subscribe to the stock of the Pennsylvania Railroad Company, by the Supplement to an act entitled "An Act to incorporate the Pennsylvania Railroad Company," approved March twenty-seventh, one thousand eight hundred and forty eight, shall be granted by a majority of the Board of Commissioners of the several districts therein referred to, provided said railroad company will take in payment of such subscriptions the certificates of loan of said corporations at par, which certificates shall be exempt from taxation, except for State purposes.

Subscription by municipal corporations may be made by Board of Commissioners, the subscription to be paid in certificates of loan at par, and said certificates not taxable except for State purposes.

Repealed by Sec. 6, Act April 10 1851, p. 36.

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## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE MARSHALL SAVING ASSOCIATION OF THE CITY AND COUNTY OF PHILADELPHIA," &C.

*P. L. 1851, page 505. Approved April 10th, 1851.*

SECTION 6. That the eleventh section of an act entitled "An Act to incorporate the Southern Gas Company, and relative to the appraisers of tavern licenses in the city and county of Philadelphia," approved the fifteenth day of May, one thousand eight hundred and fifty, be and the same is hereby repealed.

Repeal of Sec. 11, Act May 15, 1850, p. 36.



## AN ACT

CONSTRUING THE FIFTH SECTION OF THE ACT ENTITLED "A FURTHER SUPPLEMENT TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY," &c.

*P. L. 1851, page 518. Approved April 12th, 1851.*

SECTION 1. That the fifth section of the act entitled "A further supplement to An Act to incorporate the Pennsylvania Railroad Company," passed the twenty-eighth day of March, one thousand eight hundred and forty-eight, shall be so construed as to include the streets, lanes and alleys, in any town, borough or city through which said road passes.

Construction of Sec. 5. Act March 27, 1848, p. 30.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO EXTEND ITS LATERAL ROAD NOW MADE FROM LIEBENGLOOD'S SUMMIT, IN WESTMORELAND COUNTY, TO THE BOROUGH OF BLAIRSVILLE, TO THE BOROUGH OF INDIANA, IN THE COUNTY OF INDIANA.

*P. L. 1852, page 639. Approved January 29th, 1852.*

SECTION 1. That the Pennsylvania Railroad Company be, and is hereby authorized, if they deem it expedient to extend its lateral road now made from Liebengood's Summit, in Westmoreland county to the borough of Blairsville, in a northerly direction, to the borough of Indiana, in the county of Indiana; and that hereafter the said lateral road shall be subject to all the provisions of the several acts of assembly relating to the said Pennsylvania Railroad, excepting the toll on tonnage provided for in the twenty-second section of the act of thirteenth of April, one thousand eight hundred and forty-six, entitled "An Act to incorporate the Pennsylvania Railroad Company."

Authorized to extend lateral road to Indiana; see Sec. 4, Act April 6, 1850, p. 34.

Toll on tonnage excepted.

The foregoing act was adopted by the stockholders of the Pennsylvania Railroad Company, May 21st, 1852.

## A FURTHER SUPPLEMENT

TO THE ACT ENTITLED "AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY."

*P. L. 1852, page 394. Approved April 23d, 1852.*

Capital stock may be increased by 60,000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

SECTION 1. That to enable the Pennsylvania Railroad Company to complete, stock, and equip their railroad with its appurtenances, and from time to time to lay down a double track therefor by means of subscription to the capital stock, it shall be lawful for the said company, in addition to the said capital stock authorized by the twentieth section of the act incorporating said company, passed on the thirteenth day of April, eighteen hundred and forty-six, to issue certificates for any additional sum not exceeding sixty thousand shares, and to demand and receive moneys for the same for said additional shares when subscribed for, in like manner, and upon the same conditions as to instalments and otherwise, as are provided for in the ninth section of said original act: *Provided*, That the par value of said additional capital stock shall be fifty dollars per share, as heretofore, and that the holders thereof shall have all the rights and immunities which are by law vested in the subscribers to the capital stock originally authorized to be created.

Proviso.

To hold certain real estate in Philadelphia.

SECTION 2. That the said Pennsylvania Railroad Company are hereby authorized to purchase and hold the title to two several estates situated in West Philadelphia, and county of Philadelphia, owned now, or late, by the city of Philadelphia, and the Board of Health, respectively, and also to purchase and hold the title to any portion of the Powelton estate, for the purpose of erecting thereon offices, station houses, warehouses, shops, car sheds, sidings, cattle yards, and for such other objects as appertain to the legitimate business of the company, authorized by their act of incorporation, of transporting passengers and tonnage over their road and the Columbia Railroad, not exceeding thirty acres of uplands; the boundaries of such quantity of land as said company may deem proper to take, to be determined by the President of the company, and the Governor of the State of Pennsylvania, or

See Acts May 20, 1853, p. 44; April 22, 1856, p. 56; April 1, 1858, p. 82; March 30, 1860, p. 86, 90; March 19, 1863, p. 166; April 27, 1864, p. 111.

the President of the Board of Canal Commissioners; also the right to purchase and hold within the city of Philadelphia, such other property for depots, offices, and sidings, as may be necessary or convenient for the transaction of the proper business of said company, authorized by the act of incorporation.

SECTION 3. That Eighth street and Plumb alley, in the city of Pittsburgh, and all other streets that extend through the property of the Pennsylvania Railroad Company, are hereby vacated, and the title thereof vested in the said company: *Provided*, That the councils of said city give their assent thereto, and the same shall be filed in the Court of Quarter Sessions of Allegheny County. Certain streets in Pittsburgh vacated. Proviso.

SECTION 4. That the right of the Councils of the city of Pittsburgh, to lease to the said railroad company the levee on the Monongahela river, below Liberty street, is hereby recognized and confirmed. Lease of levee on Monongahela river confirmed.

The foregoing act was adopted by the stockholders of the Pennsylvania Railroad Company, May 21st, 1852.

## AN ACT

### RELATING TO CERTIFICATES OF LOAN OF THE PENNSYLVANIA RAILROAD COMPANY, &C.

*P. L. 1852, page 508. Approved May 1st, 1852.*

SECTION 6. That all certificates of loan of the Pennsylvania Railroad Company shall be subject to taxation for State purposes only, as is now provided by law in the case of certificates of loan received by said company in payment of subscriptions to its capital stock made by municipal corporations. Certificates of loan of P. R. R. Company subject to taxation for State purposes only.

The foregoing act was adopted by the stockholders of the Pennsylvania Railroad Company, May 21st, 1852.

## AN ACT

## TO INCREASE THE CAPITAL STOCK OF THE PENNSYLVANIA RAILROAD COMPANY, &amp;C.

*P. L. 1852, page 616. Approved May 6th, 1852.*

Capital stock may be increased by 20,000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

Proviso.

SECTION 4. That it shall be lawful for the Pennsylvania Railroad Company, in addition to the capital stock authorized by the twentieth section of an act incorporating the said company, passed the thirteenth day of April, one thousand eight hundred and forty-six, and any supplement thereto, to issue certificates for any additional sum not exceeding twenty thousand shares, and to demand and receive the moneys for said additional shares when subscribed for, in like manner and upon the same conditions as to instalments and otherwise, as are provided for in the ninth section of the said original act: *Provided*, The par value of said additional capital stock shall be fifty dollars per share as heretofore, and that the holders thereof shall have all the rights and immunities which by law are invested in the subscribers to the capital stock originally authorized to be created.

The foregoing act was adopted by the stockholders of the Pennsylvania Railroad Company, May 21st, 1852.

## AN ACT

## AUTHORIZING THE PENNSYLVANIA RAILROAD COMPANY TO RUN THEIR CARS OVER CONNECTING AND CONTINUOUS RAILROADS.

*P. L. 1853, page 137. Approved March 3d, 1853.*

Authorized to run cars and locomotives over connecting railroads.

SECTION 1. That the Pennsylvania Railroad Company be and they are hereby authorized to run their cars and locomotives over all connecting and continuous railroads, with the consent of the companies owning the same, and also their cars over the railroads belonging to this Commonwealth, for the transportation of freight, [passengers, their baggage, and the United States mails,] with the right of attachment to the motive

The portion in brackets repealed by Sec. 41, Act May 13, 1890, p. 58.













power of the State, employed for these respective purposes, upon such terms and conditions as may be agreed upon between the canal commissioners and said Pennsylvania Railroad Company, or in case of failure to agree, then upon terms and conditions that shall not be less favorable to said company than those that may be established from time to time, by the canal commissioners, for the government of individuals doing business on said railroads, except those engaged in the transportation of freight passing the whole distance between Philadelphia and Pittsburgh, over the public works: *Provided*, That nothing herein contained shall be so construed as to affect or impair the contract made with Bingham and Dock, for the transportation of passengers and mails over the Philadelphia and Columbia Railroad, by said commissioners, which contract is hereby confirmed: *Provided*, That the Legislature hereby reserves the right to repeal this act of assembly, in such manner, however, that no injustice shall be done to the parties: *And provided*, That the canal commissioners shall at all times be required to run a sufficient number of engines between Lancaster and Philadelphia to accommodate the local and way freight.

Proviso.

Proviso.

Proviso.

## A FURTHER SUPPLEMENT

TO THE ACT ENTITLED "AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY."

*P. L. 1853, page 219. Approved March 23d, 1853.*

SECTION 1. That the Pennsylvania Railroad Company be and they are hereby authorized and empowered to subscribe to the capital stock or guarantee the bonds of such railroad companies in other States, as may seem to them important to promote the trade of Pennsylvania and the interest of the company, such subscription not to exceed fifteen per cent. of the capital stock actually subscribed to the said Pennsylvania Railroad Company, and to pay for the same in such manner as the directors of said Pennsylvania Railroad Company may determine: *Provided*, That said company shall give thirty days notice,

Authorized to subscribe stock and guarantee bonds in certain cases.

Proviso.

which notice shall be during the session of the Supreme Court, in at least one newspaper published in the city of Philadelphia, and one newspaper published in the city of Pittsburgh, of any intended subscription or guarantee under the provisions of this act, and it shall be the duty of the Supreme Court to proceed without delay, within the said thirty days, to hear and determine any application for a preliminary injunction, by any stockholder in said company, to restrain said company from making such subscription or guarantee.

SECTION 2. That for the purpose of meeting the subscriptions authorized by the foregoing section, and to enable them to construct their double track, it shall be lawful for said Pennsylvania Railroad Company, in addition to the said capital stock authorized by the twentieth section of the act incorporating said company, passed on the thirteenth day of April, one thousand eight hundred and forty-six, and the several supplements thereto, to issue certificates for any additional sums, not exceeding eighty thousand shares, and to demand and receive moneys for the same when subscribed for, in like manner, and also on the same conditions, as to instalments and otherwise, as are provided for in the ninth section of said original act of incorporation: *Provided*, That the said additional capital stock shall be fifty dollars per share, as heretofore, and that the holders thereof shall have all the rights and immunities which are by law invested in the subscribers to the capital stock originally authorized to be created: *And provided further*, That no such certificate hereby authorized to be issued, shall be for a less sum than one hundred dollars.

SECTION 3. That the directors of the Pennsylvania Railroad Company be and they are hereby authorized to add to their number, by electing from the body of the stockholders, at such time as they may determine, and annually thereafter, if they deem it expedient, one person, who shall act as vice-president of said company, with such powers and for such compensation as the said board shall by by-law or resolution establish and direct.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, April 11th, 1853.

Capital stock may be increased by 80,000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 6, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

Proviso.

Proviso.

Authority to elect additional director, to act as vice-president; see Sec. 3, Act April 13, 1846, p. 8; Sec. 2, Act March 16, 1863, p. 105; Sec. 1, Act March 17, 1869, p. 133.

## AN ACT

AUTHORIZING THE PENNSYLVANIA RAILROAD COMPANY TO  
CONSTRUCT A LINE OF TELEGRAPH ALONG THEIR ROAD, &c.*P. L. 1853, page 672. Approved May 11th, 1853.*

SECTION 13. That the Pennsylvania Railroad Company be <sup>Authorized to con-</sup> and they are hereby authorized to make and construct a line <sup>struct a line of tele-</sup> of telegraph wires along and adjacent to the line of their railroad, from the city of Pittsburgh to Harrisburg, and from Harrisburg, connecting with the former, to the city of Philadelphia, along and adjacent to the line of the Harrisburg and Lancaster, and Philadelphia and Columbia Railroads; and for the purpose of making, erecting and constructing the same, the said company or there agents are hereby authorized to enter and go upon the premises of any person or persons, and erect posts, and use any tree for the purpose of suspending their wires, and construct the same: *Provided*, That said company <sup>Proviso.</sup> shall not erect posts for the reception of said wires more than five feet from the tracks of said railroads, without the consent of the owner or owners of the land through which said railroads pass, nor shall they cut down or destroy trees or other property, without tendering full compensation therefor, and to make and use branches from the main line to any of their stations, and to use the same for telegraphic communication, for themselves and the use of the company, and to enter at any time upon the property on which their said line is constructed for general or special repair of any part or all of their said line, and to suspend their wires on any part of the public improvements along said line; and in case of damage <sup>Damages.</sup> done to any individual, they may be sued for the same in any of the courts of this Commonwealth, for the damage actually sustained: *Provided*, That the consent of the Canal Com- <sup>Proviso.</sup> missioners be first had.

SECTION 14. That any person or persons who shall wilfully <sup>Penalty for injuries</sup> cut, break, injure, destroy or disturb any of the wires, posts <sup>to line.</sup> or fixtures of the said telegraph line, shall be deemed guilty of a misdemeanor, and upon conviction of such offence in any of

the courts of the Commonwealth, shall be sentenced to pay the costs of prosecution and pay a fine, not exceeding one hundred dollars.

## AN ACT

TO AUTHORIZE WILLIAM C. PATTERSON AND OTHERS TO CONVEY  
THE POWELTON ESTATE, IN WEST PHILADELPHIA.

*P. L. 1853, page 677. Approved May 20th, 1853.*

### Preamble.

See Sec. 2, Act April  
23, 1852, p. 38; and  
Acts April 22, 1856, p.  
56; April 1, 1858, p.  
82; March 30, 1860, p.  
86; 30 March 19, 1863,  
p. 106; April 27, 1864,  
p. 111.

WHEREAS, William C. Patterson, Samuel V. Merrick, David S. Brown, Thomas T. Lea, Alexander J. Derbyshire, Washington Butcher, and Edward M. Davis, have taken as purchasers thereof a conveyance of the whole estate called Powelton, on the west side of the Schuylkill river, in the county of Philadelphia, in order to secure what they deemed only necessary conveniences for the proper business of the Pennsylvania Railroad Company, in West Philadelphia, and the said company have no authority by law to hold more than thirty acres of said estate, and the same being burdensome to the said purchasers to hold as individuals; therefore,

Purchasers authorized to convey Powelton estate to trustees of P. R. R. Company

SECTION 1. That authority is hereby given to the said purchasers to convey the said estate, or the residue thereof, being about sixty-two acres, more or less, in extent, to any trustee or trustees who may be selected or approved by the board of directors of said company, in fee simple, and the said trustee or trustees to whom the said estate, or the residue thereof, shall be conveyed, and the successor or successors of the said trustee or trustees, duly appointed, shall have full power and authority to hold the same for the use and benefit of the said The Pennsylvania Railroad Company, for and during the term of five years from the first day of July, one thousand eight hundred and fifty-three, for the purpose of selling and conveying the same, or any part or parts thereof, to any person or persons, according to the orders of the said

See Sec. 3, Act April  
22, 1856, p. 58.  
Trustees may sell and  
convey estate or apply  
to other uses.



Pennsylvania Railroad Company, and account to the said corporation for the proceeds of such sale or sales, and in the meantime, until such sale or sales shall be effected, to permit and suffer such use and uses of the said estate, or any part or parts thereof, as the said Pennsylvania Railroad Company or their board of directors may order and direct; and the said Pennsylvania Railroad Company is hereby authorized to indemnify the purchasers aforesaid named in the preamble, against any loss which may accrue from the sale of said remainder of the Powelton estate.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO  
MAKE CONNECTIONS TO AND FROM THEIR FREIGHT DEPOT,  
IN THE CITY OF PHILADELPHIA.

*P. L. 1854, page 72. Approved February 16th, 1854.*

SECTION 1. That the Pennsylvania Railroad Company be and they are hereby authorized to make such connection from their freight depot, in the city of Philadelphia, by laying a track or tracks of railway from said depot along Juniper street to Market street, and along Olive street to Broad street, to connect with the railroad on said Market and Broad streets respectively, with such extension along the said Juniper street to or beyond Kelly street as may be necessary and convenient for the accommodation of cars and the transaction of their business of transportation: *Provided*, That the consent and approbation of the Select and Common Councils of the City of Philadelphia first be had in writing; and if constructed, the laying of said track or tracks shall be subject to the control and direction of said Councils, or their deputed agent or agents.

Authorized to make tracks from their freight depot in Philadelphia, along certain streets, to connect with railroad on Broad and Market streets.

Proviso.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, May 22d, 1854.

## A FURTHER SUPPLEMENT

TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY, PASSED APRIL THIRTEENTH, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

*P. L. 1854, page 76. Approved February 17th, 1854.*

How notice to be served and bond tendered in proceedings to appropriate land, where title is doubtful, &c., or party interested absent, covert, under age, or otherwise incapable of being served.

Effect of such notice and bond.

Sec. 11, Act April 13, 1846, p. 14, not to be construed to prevent the taking in any incorporated city or borough, any dwelling, &c., necessary and convenient for depots, &c.; and see Sec. 3, Act March 27, 1848, p. 28.

SECTION 1. That in proceedings by the Pennsylvania Railroad Company, for the appropriation of land under any act of assembly, when it shall appear to the Court of Common Pleas, by affidavit or otherwise, that there is a disputed, doubtful or defective title, or that any party in interest is absent, covert, not of full age, or from any cause incapable of being served with notice, or of having a bond tendered within the county where the land is situated, the said court shall, on application of the said company, direct the filing of a bond in an amount, and with security, to the Commonwealth, to be approved by the court, for the use of the party found to be entitled thereto, and shall direct notice thereof, and of the petition to assess damages, and the meeting of viewers, to be published in two newspapers of the county where the land is situated, for two weeks before the day appointed for the meeting of the viewers; and the said bond so filed, and the said notice so given, shall have like effect as if the provisions of the twelfth section of the act of assembly, entitled "An act to incorporate the Pennsylvania Railroad Company," approved April thirteenth, one thousand eight hundred and forty-six, in regard to giving bond, had been fully complied with, and as if personal notice had been served on the party owning the said lands, as provided for by the fourth section of an act entitled "A further supplement to an act to incorporate the Pennsylvania Railroad Company," passed April thirteenth, one thousand eight hundred and forty-six, approved the twenty-seventh day of March, one thousand eight hundred and forty-eight.

SECTION 2. That so much of the eleventh section of the act of assembly entitled "An act to incorporate the Pennsylvania Railroad Company," approved April thirteenth, one thousand eight hundred and forty-six, as prohibits the said company from passing through any dwelling-house, shall not be

construed so as to prevent the taking in any incorporated city or borough, of any dwelling-house by whomsoever possessed or occupied, and the land on which the same is erected, which may be necessary or convenient for depots, warehouses, offices, toll-houses, engine and water stations, or other buildings or appurtenances; but the right of the said company to take such property for such purposes is hereby declared and affirmed: *Provided*, That full compensation be made to the owner or owners of such buildings, for all damages sustained thereby, the same to be ascertained as in other cases: *Provided*, That the prices heretofore agreed to be paid by said railroad company, and agreed to be received by the owners of property in the city of Pittsburgh, shall not, in any case, be reduced by any decision or decisions of a jury or juries that may be appointed to assess damages: *And provided further*, That the said power of entering upon property, as authorized by this act, shall be limited to that part of the First Ward in said city of Pittsburgh, being between Marbury, Water, Liberty and Penn streets.

Proviso.

Damages.

Proviso.

Compensation for property in Pittsburgh.

Proviso.

Repealed by Act of April 21, 1854, p. 48.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, May 22d, 1854.

## A FURTHER SUPPLEMENT

### TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1854, page 385. Approved April 18th, 1854.*

SECTION 1. That the Pennsylvania Railroad Company, for the purpose of completing their second track, increasing their motive power, and building suitable houses at Philadelphia, Pittsburgh, and along the line of their road, for the reception and accommodation of travellers and the storage of freight, and which they are hereby authorized to erect, shall have power to increase their loans: *Provided*, The debts and other obligations of the company, including loans, shall not at any time

For certain purposes company shall have power to increase their loans. See Sec. 2, Act April 13, 1846, p. 8; Sec. 3, Act May 16, 1857, p. 62; Sec. 3, Act March 16, 1863, p. 105; Sec. 2, Act March 21, 1866, p. 125; Sec. 2, Act March 22, 1867, p. 128; Act Dec. 29, 1869, p. 135; Sec. 1, Act Feb. 18, 1873, p. 147.

Proviso.

exceed the amount of capital stock paid in and expended on the road and its equipment: *Provided further*, That the loans contemplated in this act shall not be made unless with the assent of a majority of the stockholders of said company, represented at a stated or special meeting of the same.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, May 22d, 1854.

## AN ACT

AUTHORIZING THE COUNCILS OF THE CITY OF PITTSBURGH TO OPEN PART OF FERGUSON STREET, AND TO CLOSE BELL'S ALLEY.

*P. L. 1854, page 392. Approved April 19th, 1854.*

SECTION 1. That any ordinance passed or to be passed by the Select and Common Councils of the City of Pittsburgh, for changing part of the course of Ferguson street, and vacating and opening the same, and any such ordinance for vacating and closing Bell's alley, or any part thereof, is hereby allowed, ratified and confirmed in such manner as to make the opening, changing, vacating and closing aforesaid, legal and valid, and the title to any street or alley so vacated is hereby confirmed to the Pennsylvania Railroad Company, so long as they are owners of the adjoining property.

## A FURTHER SUPPLEMENT

TO AN ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY, PASSED THE THIRTEENTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

*P. L. 1854, page 453. Approved April 21st, 1854.*

SECTION 1. That so much of an act that became a law on the eighteenth of February, one thousand eight hundred and

Proviso.

Ordinance of Councils changing course, &c., of Ferguson street, of Pittsburgh, and vacating Bell's alley, confirmed, and title to any street or alley so vacated confirmed to P. R. R. Company.

See Act April 6, 1855, p. 49.

Repeal of part of Sec. 2, Act Feb. 17, 1854, p. 47.



fifty-four, entitled "A further supplement to An Act incorporating the Pennsylvania Railroad Company," passed the thirteenth of April, one thousand eight hundred and forty-six, as gives power to said railroad company to enter upon property situated between Marbury, Penn, Water streets and Exchange alley, in the First Ward of the city of Pittsburgh, be and the same is hereby repealed.

Authorizing entry on certain property in Pittsburgh.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, May 22d, 1854.

## AN ACT

### AUTHORIZING THE OPENING OF A STREET IN THE CITY OF PITTSBURGH.

*P. L. 1855, page 196. Approved April 6th, 1855.*

WHEREAS, The city of Pittsburgh did, by ordinance of the Councils of said city enacted on the twenty-eighth day of July, one thousand eight hundred and fifty-three, among other things, vacate and consent to the vacation of so much of Ferguson street, in the said city, as lies between a point on said street five hundred and fifty feet east from the eastern line of Lumber street and Morton street, and did give exclusive occupancy and use thereof to the Pennsylvania Railroad Company: *Provided*, That the said company should, at its own cost, cause to be laid out and graded along the south line of the southern track of said railroad, and parallel to and adjoining therewith a space or street of forty feet in width, extending the length of that part of Ferguson street vacated and connecting therewith;

Preamble.

See Act April 19, 1854, p. 43.

Proviso.

AND WHEREAS, The said company has no power to take and appropriate the strip of land necessary for the opening of said space or street;



Powers, &c., of P. R. R. Company to appropriate land extended to embrace a strip extending that part of Ferguson street, Pittsburgh, vacated and connecting therewith.

SECTION 1. That all the rights, powers, privileges and proceedings provided for by any existing law by which the Pennsylvania Railroad Company may appropriate land for the necessary route of the road, or any other purposes connected therewith, be and they hereby are extended to and so as to embrace the space or street of forty feet in width, extending the length of that part of Ferguson street vacated by the ordinance of the city of Pittsburgh of July twenty-eighth, one thousand eight hundred and fifty-three: *Provided*, That compensation be made to the owners of any property which may be taken for said space or street, in the manner now provided by law for the ascertaining of the damage arising from the taking of land for the necessary route of the road, or other purposes connected therewith; and in estimating said question of damage, the viewers shall make a fair and just comparison of the advantages and disadvantages, and consider and determine whether upon the whole the taking of the said land is or is not an injury, and award and report accordingly: *Provided, also*, That when the proceedings are completed, the ground so to be taken shall be forever a public highway and one of the streets of the city of Pittsburgh, like all other streets in said city: *Provided further*, That the viewers appointed in this case shall be residents of the county of Allegheny: *And further provided*, That this act shall not be construed to affect any portion of said Ferguson street lying east of Morton street.

Proviso.

Damages.

Proviso.

Proviso.

Proviso.

## AN ACT

### RELATIVE TO SUPPLYING THE BOROUGH OF ALTOONA WITH WATER.

*P. L. 1855, page 409. Approved May 2d, 1855.*

May sell surplus water in Altoona.

SECTION 1. That the burgess and town council of the borough of Altoona, in Blair county, are hereby authorized and empowered to enter into a contract with the Pennsylvania Railroad Company for the use of the surplus water introduced by

said company into the borough of Altoona, for the supply of their locomotive engines and workshops, et cetera, so far as may be necessary to supply the citizens of said borough with water; and the said Pennsylvania Railroad Company are hereby authorized and empowered to enter into a contract with said burgess and town council for said purpose, on such terms as may be mutually agreed upon by and between them.

## A SUPPLEMENT

### TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1855, page 412. Approved May 2d, 1855.*

SECTION 1. That the board of directors of the Pennsylvania Railroad Company shall have authority to increase, from time to time, the capital stock of the company, such increase not to exceed forty thousand shares.

Capital stock may be increased by 40,000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

SECTION 2. That the annual election of the board of directors shall hereafter be held at the office of the company, in Philadelphia, between the hours of ten A. M. and six P. M., on the first Monday of March of each year. The annual meeting of the stockholders to be held on the first Monday of February, as heretofore.

Annual election of directors. See Sec. 4, Act April 13, 1846, p. 9; changed to fourth Tuesday of March, see Sec. 2, Act March 6, 1872, p. 145.

SECTION 3. That no person shall be eligible to fill the office of director, who shall not have been possessed, in his own right, of not less than fifty shares of the stock of the company, at least ninety days previous to his election, either by the private stockholders, or by the municipal corporations holding stock in the company; that any vacancies that may hereafter occur in the board, from any cause whatever, shall be filled by the board in the manner provided for in the fifth section of the charter of the company, to which this is a supplement:

No one eligible as director unless the owner of 50 shares of stock at least ninety days before election; see Sec. 3, Act April 13, 1846, p. 8.

Proviso.

*Provided*, That before this act shall go into effect, it shall be approved by the stockholders at a general meeting called for that purpose.

The foregoing act was adopted by the stockholders of the Pennsylvania Railroad Company, February 4th, 1856.

## AN ACT

### EXEMPTING COAL AND LUMBER FROM THE TONNAGE TAX.

*P. L. 1855, page 459. Approved May 7th, 1855.*

Tonnage tax on coal and lumber.

SECTION 1. That the several acts imposing a tax upon tonnage passing over the Pennsylvania Railroad, and the Harrisburg, Lancaster and Mount Joy Railroad, shall not hereafter apply to lumber or coal: *Provided*, That said companies shall make a permanent deduction from their rates of charges on said articles below their schedule rates for goods now or hereafter to be embraced in the same class, equal to or greater than said tax: *And provided further*, That the Legislature reserves the right to repeal this act at any time, and to re-enact the several acts hereby repealed.

Proviso.

Proviso.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO PURCHASE AND HOLD CERTAIN REAL ESTATE IN THE CITY OF PITTSBURGH.

*P. L. 1856, page 33. Approved February 7th, 1856.*

Preamble.

WHEREAS, An agreement was made on the twenty-second day of February, one thousand eight hundred and fifty-four, for the purchase by said company of a certain lot of ground

on Liberty street, in the city of Pittsburgh, on which was erected Saint Patrick's Roman Catholic Church, and part of which was used as a burying ground;

AND WHEREAS, It has become necessary for the vesting of an indisputable title to said lot, that the Legislature shall authorize proceeding to this end, now, for the quieting of all such doubts, and to enable the company to take and hold said property :

SECTION 1. That the Pennsylvania Railroad Company shall have the right, by the true intent and meaning of their charter and the several supplements thereto, to appropriate, hold, and use the said described lot of ground, with the appurtenances, and to erect and establish depots and warehouses thereon, in like manner and to the same extent as if for the route of the road itself, and so much of the said charter and supplements thereto as prohibit them from so appropriating any burying ground or place of public worship, be and the same is hereby repealed, so far as is concerned the lot of ground on Liberty street, in the city of Pittsburgh, lately used for Saint Patrick's Roman Catholic Church and burying ground: *Provided*, That no entry shall be actually made on said ground, until the bodies interred therein shall have been removed under the sanction of the Roman Catholic Bishop of Pittsburgh: *And provided further*, That the compensation to be paid by said company, for said premises, shall be paid to the trustee now in possession of said premises, to be by him held and applied, upon the same trusts wherewith said premises are charged; and upon such payment to the trustee aforesaid, the said railroad company shall be discharged from all liability in respect to the application thereof, and shall hold the said premises free and discharged of all trusts whatever.

Authorized to appropriate, hold and use lot of ground on Liberty street, Pittsburgh, and erect depots, &c., thereon.

See Sec. 11, Act April 13, 1846, p. 14.

Repeal.

Proviso.

Proviso.



## A FURTHER SUPPLEMENT

TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY, PASSED APRIL THIRTEENTH, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

*P. L. 1856, page 447. Approved April 18th, 1856.*

SECTION 1. That the Pennsylvania Railroad Company be and is hereby authorized to construct a railroad from a point on the Philadelphia and Columbia Railroad north of Market street, in the city of Philadelphia, near the repair shops of said company; thence passing behind the said shops, across Market street; thence down the centre of Mansion street, to the West Chester Railroad; thence to some point on the west side of the river Schuylkill, at or near Gray's ferry bridge; thence crossing said river to the river Delaware, and terminating thereon south of the Navy Yard, by such route as may be most practicable and conducive to the public interests: *Provided, however,* That the line of said road, from a point one hundred feet north of the north side of Market street to the south side of Chestnut street, and if practicable further south, shall be by means of a tunnel at such distance below the surface as not to interfere with pipes and culverts, and from the point where said tunnel may terminate, to the south side of Walnut street; said road shall be under the surface by means of a tunnel or covered way, whichever may be most practicable, and from thence to a point one hundred feet further southward, by a covered way under or above the surface, as may be necessary, and on the line of said Mansion street, below Chestnut street, the location of said pipes and culverts may be altered by the board as shall be requisite: *And provided further,* Said road shall not pass through any part of the Woodland Cemetery without the consent of the directors thereof, and shall be located, as regards grades and route, with the approval of the board of survey of said city, and subject to such regulations as the Councils of said city may from time to time ordain for the public convenience and safety.

SECTION 2. That the Councils of said city are hereby authorized to widen to a width not exceeding one hundred

Authorized to construct a railroad from P. & C. Railroad, north of Market street, Philadelphia, to Delaware river.

See Acts April 27, 1864, p. 114; March 21, 1865, p. 119; April 4, 1865, p. 122; May 15, 1871, p. 144; May 25, 1871, p. 144; March 7, 1873, p. 148; March 12, 1873, p. 149; June 6, 1873, p. 152.

Proviso.

Proviso.

Councils authorized to widen streets occupied by route



feet, any of the streets of said city that may be occupied by the route of said railroad so extended, and to cause the same to be laid out upon the plans of said city, of said increased width, the damages therefor to be ascertained in the manner now provided by law in reference to the opening of the streets of said city: *Provided*, That the said company shall first give security to said city for the payment of all such damages.

of said railroad, &c.

How damages ascertained.

Proviso.

SECTION 3. That the said company shall have full power and authority to construct at the Delaware and Schuylkill rivers, on or contiguous to the line of said railroad, such area of ground not exceeding, in the aggregate, twenty-five acres, wharves, docks and warehouses, with the necessary appurtenances, as may be required for the proper accommodation of the freight passing over said road, and to charge and collect storage and wharfage at reasonable and customary rates: *Provided, however*, That other parties desiring to make connections with said railroad shall be at liberty to do so under such regulations as may be necessary for safety and convenience; *Provided further*, That all freight and business of whatever kind carried over the Columbia Railroad by the Pennsylvania Railroad Company, and destined for the city of Philadelphia, or taken therefrom for westward transportation, by said company, shall, whenever requested by the owner or transporter of such freight, be delivered or received in Market street by said company, as heretofore, and any evasion of this proviso shall subject the president and directors, or any other officer or agent assenting thereto, each to a fine of one hundred dollars for every offence, to be recovered as debts of like amount are now recoverable, one-half for the use of the complainant, and the other half for the use of the guardians of the poor of said city.

Authorized to construct wharves on Delaware and Schuylkill rivers, on line of railroad.

May charge and collect storage and wharfage.

Proviso.

Proviso.

Freight, &c., to be delivered or received on Market street when requested by owner or transporter.

Penalty for evasion of proviso.

How recovered.

For whose use.

SECTION 4. That the said company be and is hereby authorized and empowered to connect the said railroad with any railroads now or hereafter constructed within the limits of the city of Philadelphia, upon the route of said road so extended, on such terms, and for such time, and under such restrictions, as may be agreed upon by the officers and directors of said companies.

Authorized to connect said railroad with other railroads in Philadelphia, on route of the same.

On what terms.

Act not to go into effect until approved by stockholders.

SECTION 5. That before this act shall go into effect it shall be approved by the stockholders at a general meeting, to be called for that purpose.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, June 25th, 1856; and by the stockholders of that company, April 6th, 1857.

## AN ACT

RELATING TO REAL ESTATE HELD BY OR FOR THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1856, page 526. Approved April 22d, 1856.*

Company authorized to sell a certain portion of Powelton estate, in parts, in fee, on ground rent, or otherwise, free from the objects of conveyance to them, and to hold the rents reserved.

See Sec. 2, Act April 23, 1852, p. 38; and Acts May 20, 1853, p. 41; April 1, 1858, p. 82; March 30, 1860, p. 86, 90; March 19, 1863, p. 106; April 27, 1864, p. 111.

SECTION 1. That the Pennsylvania Railroad Company be and they are hereby authorized and empowered to sell and dispose of such parts and portions as they may deem expedient, of a certain tract of land, situate in the late District of West Philadelphia, now in the consolidated city of Philadelphia, part of the Powelton estate, containing thirty acres, more or less, (which John Hare Powel, by indenture dated the second day of May, Anno Domini eighteen hundred and fifty-three, recorded at Philadelphia, in deed book T. H., number eighty-four, page seventy-three, et cetera, granted unto the said company for the purposes and objects appertaining to the legitimate business of the said company,) and they are hereby authorized to sell, grant, and convey the same unto the purchaser or purchasers thereof, in fee simple, upon ground rent or otherwise, free from the purposes and objects afore-said; and in case any such sale or sales be made in consideration of a yearly rent or rents to be reserved to the said company, and to remain charged upon the land so sold, then the said company are hereby authorized to hold and stand seised of such yearly rent or rents, with the rights, incidents, and appurtenances thereto belonging, and to sell and dispose of the same when they may deem it expedient: *Provided*, That the











said company shall sell and dispose of, absolutely, any ground rent or mortgage arising from the sale of said property, within the period of ten years from the date of its creation.

SECTION 2 That the Pennsylvania Railroad Company aforesaid be and they are hereby authorized and empowered to take and receive from the Girard Life Insurance, Annuity and Trust Company, of Philadelphia, a conveyance of such part or parts as may be suitable to them for the purposes and objects of their incorporation, of a certain tract or parcel of land, also part of the Powelton estate, in West Philadelphia, which William C. Patterson and wife and others, by indenture dated the twenty-first November, Anno Domini one thousand eight hundred and fifty-three, recorded in deed book T. H., number one hundred and one, page five hundred and forty-seven, et cetera, granted unto the Girard Life Insurance, Annuity and Trust Company, of Philadelphia, in trust for certain purposes therein mentioned; and the said land so to be conveyed to the Pennsylvania Railroad Company shall be held by them, their successors and assigns, in fee simple, for the like and same purposes and objects as those for which they have heretofore held the said tract of thirty acres: *Provided*, That the said land so to be conveyed, together with the part of said thirty acres to be retained by the said company, shall not in the whole exceed fifty acres, to be designated or located by the president of the company and the president of the Board of Canal Commissioners; *And provided further*, That the Canal Commissioners are hereby authorized to locate on the northeast side of the Columbia Railroad, a piece of land sixty-six feet in width on the surface, with the necessary slope of embankment, from the outside rail of the northern main track, beginning at the southern line of the ground occupied by the Commonwealth for an engine depot, and extending parallel with said railroad to the river Schuylkill, or such portion of said ground as they may deem necessary for the interest of the State, to be paid for at a rate not exceeding the present value thereof.

Company authorized to take from Girard Life Ins., An. and Trust Co. a conveyance in fee of certain parts of Powelton estate.

*Proviso.*

By whom located.

*Proviso.*

Canal Commissioners authorized to locate ground for railroad along the Columbia Railroad in Philadelphia.

SECTION 3. AND WHEREAS, The tract of land, part of the Powelton estate in West Philadelphia aforesaid, was conveyed by William C. Patterson and wife, and others, by the above

Preamble.

recited indenture, to the Girard Life Insurance, Annuity and Trust Company, of Philadelphia, their successors and assigns, in trust for the use and benefit of the Pennsylvania Railroad Company, for and during the term of five years from the first day of July, Anno Domini one thousand eight hundred and fifty-three, for the purpose of selling and conveying the same agreeably to an act of assembly, number three hundred and seventy-seven, approved on the twentieth of May, one thousand eight hundred and fifty-three: That the said term of five years, limited by the above mentioned act of assembly, be and the same is hereby extended to the term of seven years from the said first day of July, one thousand eight hundred and fifty-three; and that the said The Girard Life Insurance, Annuity and Trust Company, of Philadelphia, and their successors, shall have full power and authority to hold the said land for the use and benefit of the said Pennsylvania Railroad Company, for and during the term of seven years from the first day of July, one thousand eight hundred and fifty-three, for the purpose of selling and conveying the same or any part thereof to any person or persons in fee simple upon ground rent or otherwise, according to the orders of the said Railroad Company, and in the way and manner directed by the act of assembly aforesaid, and set forth in the said last recited indenture.

Limitation of trust to sell said land extended to seven years from July 1, 1853; see Act May 20, 1853, p. 44.

Power to Girard Life Ins., An. and Trust Co., to sell confirmed.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, June 14th, 1856; and by the stockholders of that company, February 2d, 1857.

## AN ACT

TO PROVIDE FOR THE ORDINARY EXPENSES OF GOVERNMENT,  
THE REPAIRS OF THE PUBLIC CANALS AND RAILROADS, AND  
OTHER GENERAL AND SPECIAL APPROPRIATIONS.

*P. L. 1856, page 554. Approved May 13th, 1856.*

Repeal of part of Act March 3, 1853, p. 40.

SECTION 41. That so much of the act entitled "An Act authorizing the Pennsylvania Railroad Company to run their cars over connecting and continuous railroads," approved the

third day of March, one thousand eight hundred and fifty-three, as relates to carrying passengers and baggage and mails on the Philadelphia and Columbia Railroad, be and the same is hereby repealed; and the canal commissioners are hereby authorized to contract with responsible persons, or companies incorporated by any law of this Commonwealth, for carrying passengers, their baggage, and United States mails, on the Philadelphia and Columbia Railroad, for a period not exceeding five years from and after the expiration of the contract now existing between the canal commissioners and Bingham & Dock, on such terms and conditions as will best promote the interest of the Commonwealth: *Provided*, That from and after the first day of May next it shall not be lawful for the city of Philadelphia to charge and collect tolls on the city railroad for any greater distance than that actually used, including the bridge over the Schuylkill river, at Market street.

Canal Commissioners authorized to contract for carrying passengers, &c., over P. & C. Railroad.

Proviso.

## AN ACT

### RELATING TO THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1857, page 209. Approved April 16th, 1857.*

SECTION 1. That the several provisions of the act to incorporate the Pennsylvania Railroad Company, approved the thirteenth day of April, one thousand eight hundred and forty-six, and the supplements thereto, be and the same are hereby extended for the term of ten years from the passage of this act; and all acts and things done by said company, or its agents, since the thirteenth day of April, one thousand eight hundred and fifty-six, are hereby ratified and confirmed, with the same force and effect as if the limitation in the twenty-fifth section of said original act of incorporation had never been imposed.

Charter extended for ten years; see Sec. 25, Act April 13, 1846, p. 24.

## AN ACT

## FOR THE SALE OF THE MAIN LINE OF THE PUBLIC WORKS.

*P. L. 1857, page 519. Approved May 16th, 1857.*

Governor to give notice of time and place of sale of main line.

SECTION 1. That it shall be the duty of the Governor, within ten days after approving this act, to cause to be advertised daily until the day of sale, in one or more newspapers of extensive circulation, published in the cities of Philadelphia, Pittsburgh, Washington, Boston, New York, and in the borough of Harrisburg, a notice that the main line of the public works will be exposed to public sale, at the Merchants' Exchange, or some other public place in the city of Philadelphia, on a day to be selected by him, not more than forty days after the passage of this act; if a sale shall not be effected on the day fixed by the Governor, it shall be lawful for him to adjourn the sale from time to time as he may deem expedient: *Provided*, That public notice of such adjournment shall be given in such newspapers as he may select: *And provided further*, That the last day fixed by adjournment for said sale shall not be less than twenty days before the meeting of the next Legislature.

Proviso.

Proviso.

Main line to be offered at public sale.

SECTION 2. That at the time and place so selected, it shall be the duty of the Governor to have offered at public sale the whole main line of the public works, to wit: the Philadelphia and Columbia Railroad; the canal from Columbia to the Junction at Duncan's Island; the Juniata Canal from thence to Hollidaysburgh; the Allegheny Portage Railroad, including the new road to avoid the inclined planes, and the canal from Johnstown to Pittsburgh, with all the property thereto appertaining, or in anywise connected therewith.

Who may purchase.  
Minimum price.

SECTION 3. That it shall be lawful for any person or persons, or railroad or canal company now incorporated, or which may hereafter be incorporated by and under the laws of this Commonwealth, to become the purchasers of the said main line of the public works, for any sum not less than seven and a half millions of dollars; and in the event of a sale of the said main line being made to individuals, it shall be lawful for



such individuals so purchasing, after the said public sale, to assign and transfer their right to the said main line under said purchase, to any railroad or canal company created by the laws of this Commonwealth; and such railroad or canal company, on compliance with the conditions of the said sale, and on the payment or securing of the purchase money of the said main line to the Commonwealth, as hereinafter provided, shall be fully invested with the right of the said purchasers, and be entitled to the same rights and privileges as if the said main line had been struck off and sold to said company at the time of said public sale, and if necessary, said company may increase their capital stock or borrow money and issue their bonds to any amount not exceeding fifty per centum above the amount of the purchase money; and should any association of individuals become the purchasers of the said main line on the terms prescribed by this act, the Governor is hereby authorized to grant them letters patent incorporating the same into a body corporate, in deed and in law, under the name, style and title of the Philadelphia and Pittsburgh Railroad and Canal Company, with all the privileges, and subject to all the restrictions, of an act regulating railroad companies, approved the nineteenth day of February, one thousand eight hundred and forty-nine, and the supplements thereto, so far as is consistent with the provisions of this act: *Provided*, That no bid shall be accepted unless the bidder, or the company to whom he shall assign his said bid, shall, on the day of the sale, have deposited in the hands of the Governor, or some person duly authorized by him to receive it, the sum of one hundred thousand dollars in cash or State bonds, which shall be forfeited to the use of the Commonwealth if the terms of sale are not complied with; and if the party to whom the same shall be struck down shall not comply with the said conditions, by the payment of one hundred thousand dollars as aforesaid, then it shall be the duty of the Governor, if deemed proper by him, to tender the same to the next highest bidder who shall comply with the said conditions: *Provided*, That said next bid is not less than seven millions five hundred thousand dollars, or again expose the said main line to sale, as provided for by the first section of this act: *And provided further*, That if the Pennsylvania Railroad Company, shall become

Purchasers may resell.

Company purchasing may increase their capital or borrow money.

Letters patent.

Style.

Proviso.

\$100,000 to be deposited on day of sale, to be forfeited if conditions of sale not complied with.

Proviso.

Proviso.

Purchase by

P. R. R. Company  
regulated.

In regard to issue of bonds by the company, see Sec. 2, Act April 13, 1846, p. 8; Act April 18, 1854, p. 47; Sec. 3, Act March 16, 1863, p. 105; Sec. 2, Act March 21, 1866, p. 125; Sec. 2, Act March 22, 1867, p. 128; Act Dec. 29, 1869, p. 135; Sec. 1, Act Feb. 18, 1873, p. 147.

When tonnage tax to cease; see Sec. 22, Act April 13, 1846, p. 21; Sec. 1, Act March 27, 1848, p. 27; Sec. 1, Act March 7, 1861, p. 96.

Taxes on stock, bonds, dividends and property.

May purchase or lease H. P. M. & L. Railroad, and straighten, improve and extend P. & C. Railroad.

May enlarge and repair works.

the purchasers of said main line at said public sale, or by assignment, as aforesaid, they shall pay, in addition to the purchase money at which it may be struck down, and which shall not be less than the sum of seven and a-half millions of dollars, the sum of one and a half millions of dollars, the whole amount of sale to be paid in the bonds of the company, bearing interest at the rate of five per centum per annum, payable semi-annually on the thirty-first day of January and July of each year, and which bonds, without further record, shall remain a lien upon the said main line; one hundred thousand dollars of which said bonds shall fall due on the thirty-first day of July, one thousand eight hundred and fifty-eight, and one hundred thousand dollars thereof annually thereafter until the thirty-first day of July, one thousand eight hundred and ninety, when one million of the residue shall fall due, and one million annually thereafter until the whole is paid; and upon the execution and delivery of said bonds to the Treasurer of the State, the Pennsylvania Railroad Company, and the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, [\*shall, in consideration thereof, be discharged by the Commonwealth forever from the payment of all taxes upon tonnage or freight carried over said railroads; and the said Pennsylvania Railroad Company shall also be released from the payment of all other taxes or duties on its capital stock, bonds, dividends or property, except for school, city, county, borough or township purposes;] and that it shall be lawful for the purchasers, or their assigns, either to purchase or lease, hold and use the railroad of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, and to straighten and improve the said Philadelphia and Columbia Railroad, and to extend the same to the Delaware river, in the city of Philadelphia; and it shall be further lawful for them to alter, enlarge, and deepen the canal portion of said main line, and to make such additional locks and dams, and to make, in whole or in part, a slack-water navigation as may be deemed expedient; and in the event of a sale or lease as aforesaid by the Harrisburg, Portsmouth,

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\*The part within brackets held to be unconstitutional by the Supreme Court. See *Mott et al. vs. The P. R. R. Co.*, 6 Casey, 9.

Mount Joy and Lancaster Railroad Company, the said company shall have the power to sell or lease, and the said purchasers, or their assigns, to buy or take on lease said road, and to make and receive respectively all such contracts, deeds or assurances, as may be requisite to carry the same into effect: *Provided*, That the right of the Commonwealth to enter upon, resume and purchase the road of the Pennsylvania Railroad Company, as provided in their charter, shall thereafter cease and determine: *And provided further*, That in case of the refusal of any stockholder or stockholders of said company to comply with the provisions of this act, after the same may have been accepted by a majority of the stockholders of the company, it shall be lawful for said company to pay the stockholder or stockholders so refusing, the full market value of his, her, or their share or shares of stock, and such share or shares shall inure to the benefit of the company, to be disposed of by the directors for the benefit of the balance of the stockholders.

Proviso.

See Sec. 23, Act April 13, 1846, p. 22.

Proviso.

May purchase stock of holders refusing to comply with this Act.

SECTION 4. That if the said main line of public works shall be sold to other parties than the Pennsylvania Railroad Company, the purchaser or purchasers shall be entitled to a like credit upon the amount of said purchase money, and for the performance of the conditions of said sale, in behalf of the purchaser, and for the security of the purchase money to the Commonwealth, the said purchase money until paid, shall remain a lien on said works; and the individuals or company purchasing as aforesaid, shall, within sixty days after said sale, give a mortgage on the said main line of the public works, and bonds for the amount of the purchase money, and in addition thereto, shall deliver, within ten days after said sale, to the Governor, for the use of the Commonwealth, bonds of the State of Pennsylvania, or of the City of Philadelphia, to the amount of one hundred thousand dollars, and within sixty days the additional amount of one million nine hundred thousand dollars, or in lieu thereof, a like amount of first mortgage bonds of the Pennsylvania Railroad Company, and payment of the principal of such purchase money shall be made in certificates of loan of the Commonwealth of Pennsylvania, at par or in cash, and of the interest in cash semi-

Credit to purchasers.

Purchase money to be a lien.

How to be paid.

Interest, how paid.



annually, on the thirty-first days of July and January in each and every year upon any balance remaining due.

SECTION 5. That immediately after the said purchaser or purchasers, or their assigns, shall take possession of the same, the said purchaser or purchasers, or assigns, shall be bound ever thereafter, to keep up in good repair and operating condition, the line of said railroad and canal extending from Hollidaysburg to Philadelphia, and so much of the western division as lies between Blairsville and Pittsburgh, until the North-western Railroad shall be open for business from Blairsville to the Allegheny River; with the necessary toll-houses, water-stations, locks, buildings and other appurtenances; and the said railroad and canal shall be and remain forever a public highway, and the said purchaser or purchasers of the same shall furnish stationary and locomotive engines and motive power, for the use of all persons or companies engaged or wishing to engage in the transportation of tonnage and passengers, at such times and in such manner as not to impair the use and enjoyment of said railroads by such parties, they paying just and fair charges, which shall not exceed the rates of toll on the railroad prescribed in the charter of the Pennsylvania Railroad; and the rates of toll charged upon the canal shall not be more than eighty per centum of those prescribed in the charter of the Union Canal Company, it being the true intent and meaning of this act, that the said sections of canal and railroad and every part thereof, except as is hereinbefore provided, shall be and remain a public highway, and kept open and in repair by the purchaser or purchasers thereof, or assigns as such, for the use and enjoyment of all parties desiring to use and enjoy the same: *Provided*, That said purchasers be authorized to grant, sell and convey, or to lease for a term of years, upon such conditions as may be agreed upon, any part or portion of said canals, and any corporation or association of individuals authorized by this act to purchase the whole, may purchase or lease such portions and hold the same, subject to the conditions and entitled to all the privileges contained in this act: *Provided*,\* That if the said purchaser or purchasers or their assigns shall

Works to be kept in good repair.

All parties entitled to their use.

Tolls.

See Acts April 27, 1864, p. 112; May 3, 1864, p. 115; and Act May 1, 1866, P. L. 1866, p. 1068, incorporating the Pennsylvania Canal Company; and see also Act June 2, 1870, P. L. 1870, p. 1318.

Proviso.

Proviso.

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\*The portion of the Western division between Blairsville and Johnstown was abandoned for canal purposes, May 1st, 1863.

decide to abandon the western division, or any part thereof, then they shall be required to lease the same to any party or parties who may desire to keep it open, the expense of keeping up the same devolving entirely upon the lessees, and the purchasers or their assigns being forever exempt from any liability for keeping in navigable condition said western division: *Provided further*, That if the said purchaser or purchasers, or their assigns, shall decide to abandon the Western division or any part thereof, the said purchaser or purchasers or their assigns, shall within not less than sixty days before such abandonment, purchase from the owner or owners, all the boats then in boating order on the said western division, and all the cars and trucks then in running order on the Allegheny Portage Railroad, at a fair price and valuation, to be agreed upon by the parties; and whenever the said purchaser or purchasers, or their assigns, and any of the said owners cannot agree upon the price and value of any of the said boats, cars or trucks, the parties so failing to agree, shall each select one competent person, and they shall jointly select a third person, or failing to agree in the choice of such third person, the two chosen as aforesaid shall select a third person, and the three persons so chosen shall value and appraise the property, the price whereof could not be agreed upon as aforesaid, and their award shall be binding upon the parties.

Abandonment of western division of canal.

Proviso.

Abandonment regulated.

Purchases to be made from transporters.

SECTION 6. That the said purchasers may at any time before the maturity of said bonds, and after giving to the commissioners of the sinking fund at least ninety days' notice of their intention so to do, pay off and satisfy the principal of said bonds or of any one or more of them with interest until so paid, at the prescribed rate, and shall then be entitled to receive back or be relieved from a proportionate amount of additional security hereinbefore provided for; and if at any time any one or more of said bonds or the interest due on the same, be and remain unpaid for the space of ninety days from and after the maturity thereof, and the falling due of such interest, then and in that case the Commonwealth shall have full power to re-enter upon and take possession of the property so transferred; and if the Legislature shall not be in session at the time of such default, the Governor shall have full

Bonds may be paid before maturity.

Penalty for non-payment when due.



power to appoint one or more persons to take possession thereof in the name of the Commonwealth, and all payments made, and the certificates of State loans as aforesaid deposited with the State Treasurer, shall upon re-entry as aforesaid, be forfeited to the Commonwealth, and the Governor shall sue out the mortgage, if any be taken, against any other works of the purchasing company, by *scire facias* in the Supreme Court wherever sitting, under which all the mortgaged works shall be sold, with the rights and franchises of the company, and conveyed to the purchasers by the Treasurer of the Commonwealth, without charge for poundage, subject to any liens thereon at the time when mortgaged, which shall remain unaffected thereby.

Sale of works by State  
for non-payment of  
purchase money.

Deed to be made by  
Secretary of Com-  
monwealth.

SECTION 7. That as soon as the purchasers shall have made the payments and delivered the bonds in number, and for amounts equal to and falling due at the time provided for the payment of the respective instalments, and shall have fully complied with the conditions of this act, then the Secretary of the Commonwealth shall transfer, under the great seal of the State, to such purchasers, their successors or assigns, upon such terms and conditions as are mentioned in this act, the whole main line of public works between Philadelphia and Pittsburgh, consisting of the Philadelphia and Columbia Railroad, the Allegheny Portage Railroad, including the new road to avoid the inclined planes, with the necessary and convenient width for the proper use of said railroads, the Eastern Division of the Pennsylvania Canal from Columbia to the Junction, the Juniata Division of the Pennsylvania Canal from the Junction to the eastern terminus of the Allegheny Portage Railroad, and the Western Division of the Pennsylvania Canal from the western terminus of the Allegheny Portage Railroad to Pittsburgh; and including also the right, title and interest of the Commonwealth in the bridge over the Susquehanna at Duncan's Island, together with the same interest in the surplus water-power of said canals, with the right to purchase and hold such lands as may be necessary to make the same available, and all the reservoirs, machinery, locomotives, cars, trucks, stationary engines, workshops, tools, water-stations, toll-houses, offices, stock and materials whatsoever and

wheresoever thereunto belonging or held for the use of the same, and together with all the right, title, interest, claim and demands of the Commonwealth of Pennsylvania to all property, real, personal and mixed, belonging to or used in connection with the same by the Commonwealth: *Provided*, That the purchasers of said main line shall take the same and its appurtenances, subject to all contracts and arrangements heretofore made by act of assembly or otherwise, for and in respect to the use of such works, and shall carry out the same with all persons interested therein, in the same manner as the Commonwealth or its agents are now required to do by law.

Proviso.

Purchaser to be subject to all contracts heretofore made by State.

SECTION 8. That as soon as the purchasers shall have given notice to the Governor of their readiness to take possession of said works, he shall cause notice thereof to be given to all superintendents, toll collectors, officers and agents of the Commonwealth, employed on or about said railroads and canals, who shall continue nevertheless to discharge the duties of their said offices or employments, (at the expense of the purchasers of said main line,) until removed or reappointed; and the official bonds of said officers or agents shall enure to the use of said purchasers, as to all moneys received or acts done by them on account of said works, subsequent to the time when said purchasers shall take possession as aforesaid.

Governor to give notice to superintendents and others.

Collectors, &c., to continue to act.

Bonds of officers and agents to enure to benefit of purchasers.

SECTION 9. That it shall be lawful for said purchasers, their successors and assigns, and their officers, engineers, contractors and agents, to enter upon any lands adjoining or in the neighborhood of the works, and dig, take and carry away therefrom, any materials necessary for the enlarging, making, altering, deepening or improving said works, or any portion thereof, or for constructing any railroad, canal, bridge, viaduct, dam or other mechanical structure which may be required for the said works, or for making a slackwater navigation, or for improving any works already made: *Provided*, That compensation shall be made or secured to the owner or owners of any such lands or materials as shall be agreed upon between the parties; or if the said purchasers cannot agree with the owner or owners of such lands or materials, then the value of the same shall be ascertained, according to the provisions of

Purchasers may enter on lands, &c.

Proviso.

Compensation.

Damages.

the fourth section of the act entitled "A further supplement to an act to incorporate the Pennsylvania Railroad Company," approved the twenty-seventh of March, one thousand eight hundred and forty-eight.

**Powers of purchasers.** SECTION 10. That said purchasers, their successors and assigns, shall have power and authority to own and employ locomotive engines, cars, boats and horses, and to convey passengers and freight of whatsoever description, within reasonable time after possession is taken of said works, or any portion thereof, and charge and receive tolls and fare for the passage and transportation of persons and freight; and said purchasers, their successors and assigns, shall have exclusive right to furnish all the motive power on said railroads: *Provided*, That all persons with cars, horses, boats and freight may pass over said works, they paying tolls therefor; and the use of said works shall be governed by such general rules and regulations as said purchasers may from time to time ordain, establish and publish, but no person shall, without the consent of such purchasers, be permitted to use horses, or other animal power on said railroads, or steam on said canals: *And provided*, That no discrimination in tolls or charges, or in priority of passage through the locks, shall ever be made against any boats or tonnage passing to and from the Susquehanna division of the Pennsylvania Canal: *Provided, also*, That the rate of toll on freight or tonnage passing over the said canal from the junction to Columbia, coming from the North and West Branch and Susquehanna Canals, shall not at any time be greater than the toll now charged on the said canals, as per toll sheet heretofore published by the canal commissioners for the year one thousand eight hundred and fifty-seven; *And provided further*, That the purchasers of the said main line shall at all times keep open the present connection at Columbia and Middletown with the Susquehanna and Tide Water and Union Canals, and shall at no time discriminate against the trade or tonnage passing to or from the said canals; neither shall they at any time charge more for boats or other crafts passing the outlet locks at Columbia and Middletown, than is now charged for the passage of boats or similar craft through other outlet locks owned by this Commonwealth,

**Proviso.**

**Persons with cars, &c., may pass over works on paying toll.**

**Regulations.**

**Proviso.**

**Tolls.**

**Proviso.**

**Canal to be kept open.**

**Tolls.**

SECTION 11. That should any company already incorporated by this Commonwealth become the purchaser of said main line, they shall possess, hold and use the same under the provisions of their act of incorporation, and any supplements thereto, modified, however, so as to embrace all the privileges, restrictions and conditions granted by this act in addition thereto; and all provisions in said original act, and any supplements inconsistent with the privileges herein granted shall be and the same are hereby repealed.

Privileges of purchasers being a company incorporated by this Commonwealth.

Repeal.

SECTION 12. That the entire proceeds of the sale of said main line shall be paid to the sinking fund, and applied to the payment of the State debt, according to the provisions of the act entitled "An Act to provide for a sinking fund, and to provide for the gradual and certain extinguishment of the debt of the Commonwealth," approved April tenth, one thousand eight hundred and forty-nine.

Proceeds of sale to be paid into sinking fund.

SECTION 13. That should it be ascertained at any time before the payment of the last instalment provided for, that further legislation is required for passing to the purchasers, their successors and assigns, all the title and interests of this Commonwealth to the said main line, or any portion thereof, or of the property connected therewith or used thereon, then the faith of the Commonwealth of Pennsylvania is hereby pledged for the enactment of all laws and the performance of all acts necessary to carry out the true intent and meaning of this act.

Further legislation to be had if required.

SECTION 14. That all necessary expenses incurred by the Governor under the provisions of this act, shall be paid out of any moneys in the treasury not otherwise appropriated, upon warrants drawn by him.

Expenses, how to be paid.

SECTION 15. That the purchaser of said works shall have a perpetual corporate succession; and if the said purchaser shall at any time misuse or abuse any of the privileges granted by this act, the Legislature may revoke all and singular the rights and privileges granted to said company, on a judicial decree of said misuse or abuse being first duly had and obtained, and

Privileges may be revoked for misuse or abuse.



thereupon may take for public use the road or roads, canal or canals, so purchased or constructed in pursuance of this act: *Provided*, That in resuming said franchises, no injury shall be done to the corporators of said company; and in taking such road or roads, canal or canals, for public use, full compensation shall be made to the stockholders.

Proviso.

Expenditures by the  
State to cease on sale  
of line.

SECTION 16. That in the event of a sale and delivery of said main line as aforesaid, all further payments on account of the appropriations for motive power or other expenses on said main line, as provided in an act to provide for the ordinary expenses of government, the repairs of public canals and railroads, and other general and special appropriations for the year one thousand eight hundred and fifty-seven, shall be suspended.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, July 23d, 1857.

## DEED-POLL.

THE COMMONWEALTH OF PENNSYLVANIA TO THE PENNSYLVANIA RAILROAD COMPANY FOR THE MAIN LINE.

*The Commonwealth of Pennsylvania acting by the Secretary of the Commonwealth, To all people to whom these Presents shall come, Sends Greeting:*

WHEREAS, By force and virtue of sundry acts of the General Assembly of the Commonwealth of Pennsylvania, from time to time duly passed and approved, and of divers mesne conveyances and assurances in the law duly had and executed, the said Commonwealth hath become seised and possessed of certain lines of canals and railroads, hereinafter specified, made and constructed by the officers and agents of the said Commonwealth, in pursuance of the said acts, between the cities of Philadelphia and Pittsburgh, in the State of Pennsylvania, and



of certain real and personal estate thereto appurtenant, commonly called and known by the name of the MAIN LINE of the PUBLIC WORKS of said State :

AND WHEREAS, In and by a certain other act of the General Assembly of the said Commonwealth entitled "*An Act for the sale of the Main Line of the Public Works,*" approved on the sixteenth day of May, Anno Domini one thousand eight hundred and fifty-seven, it was enacted that the aforesaid main line of the public works should be exposed to public sale, and should be granted and conveyed, assigned and transferred, unto the purchaser thereof, in the way, manner and form, and subject to the provisions, conditions, limitations and restrictions therein particularly set forth and contained, as in and by the said last recited act of assembly, a full certified copy whereof is hereunto annexed and marked with the letter A, will fully appear :

AND WHEREAS, *His Excellency* JAMES POLLOCK, Governor of the said Commonwealth of Pennsylvania, in pursuance of the direction contained in the first section of the aforesaid act of assembly, did within the space of ten days after the approval of the said act, cause to be inserted in one or more newspapers of extensive circulation, published in the cities of Philadelphia, Pittsburgh, Washington, Boston, New York, and in the borough of Harrisburg, a notice, a copy whereof is hereunto annexed marked B, that the aforesaid main line of the public works would be exposed to public sale, at the Merchants' Exchange, in the city of Philadelphia, and State of Pennsylvania, aforesaid, at seven and a half o'clock P. M. on the twenty-fifth day of June, one thousand eight hundred and fifty-seven, that being within the period of forty days next after the passage of the said recited act, which notice appeared in each daily edition of the said respective papers until the said day of sale, as by reference thereto will appear :

AND WHEREAS, On the aforesaid twenty-fifth day of June, one thousand eight hundred and fifty-seven, at seven and a half o'clock P. M., *His Excellency* James Pollock, Governor aforesaid, did cause the said whole main line of the public works, with all the property thereto appertaining or in any wise con-

nected therewith, to be exposed to public sale, at the Merchants' Exchange, in the said city of Philadelphia, by the hands of *Messrs. Myers & Claghorn*, auctioneers of said city, when and where the corporation known by the name, style and title of THE PENNSYLVANIA RAILROAD COMPANY bought the same subject to the several provisions, conditions, limitations and restrictions set forth and imposed in the said recited act authorizing the sale thereof, for the price or sum of *seven millions five hundred thousand dollars*; the said company through their President, J. EDGAR THOMSON, Esquire, being the highest and best bidder, and that the highest and best price then and there bidden for the same:

AND WHEREAS, At a special meeting of the stockholders of The Pennsylvania Railroad Company aforesaid, held after due notice by public advertisement, at Sansom Street Hall, in the said city of Philadelphia, at three o'clock P. M., on Monday, the twentieth day of July, one thousand eight hundred and fifty-seven, and by adjournment, at the office of the company, in the said city, at three o'clock P. M., on the Thursday next following, for the purpose of accepting or rejecting the provisions of the aforesaid act of assembly, and also for the purpose of considering such action as the directors of the said company had taken in pursuance of said act, but subject to the approval of the stockholders, it was, after due consideration, resolved and agreed by the stockholders then and there present, that they do accept the provisions of the act of assembly authorizing the sale of the main line of the public works aforesaid, so far as the same in anywise relate to or affect said company, and that they do ratify and approve of such action as had been taken by the board of directors of the company in purchasing the said main line of public works, pursuant to the provisions of said act, for the aforesaid sum of seven millions five hundred thousand dollars, as in and by the resolutions adopted at the said meeting, an attested copy whereof is hereunto annexed marked C, reference thereto being had will appear:

AND WHEREAS, The Pennsylvania Railroad Company aforesaid, in conformity with the terms and conditions of the said recited act of assembly, have caused to be duly executed, issued











and delivered unto the said Commonwealth of Pennsylvania, the bonds of the said company, bearing even date with these presents, and duly sealed with the common or corporate seal of the said company, in the aggregate sum of seven millions five hundred thousand dollars, of which the proportion or sum of one hundred thousand dollars will become due and payable on the thirty-first day of July, one thousand eight hundred and fifty-eight, one hundred thousand dollars on the thirty-first day of July, annually thereafter, until the year one thousand eight hundred and eighty-nine inclusive, one million dollars on the thirty first day of July, one thousand eight hundred and ninety, one million dollars on the thirty-first day of July, annually thereafter, until the year one thousand eight hundred and ninety-three inclusive, and the residue or sum of three hundred thousand dollars on the thirty-first day of July, one thousand eight hundred and ninety-four, with interest at the rate of five per centum per annum, to be paid on each of the said bonds on the thirty-first day of the months of January and July, in each year, and the first payment of interest to be made on the thirty-first day of January, one thousand eight hundred and fifty-eight, the receipt of all which bonds by the State Treasurer is evidenced by his receipt therefor hereunto annexed.

NOW THEREFORE KNOW YE, That the Commonwealth of Pennsylvania, acting herein by ANDREW G. CURTIN, the Secretary of the Commonwealth, as well for and in consideration of the premises, and of the aforesaid sum of seven millions five hundred thousand dollars of the bonds of The Pennsylvania Railroad Company, issued and delivered in manner and form as above recited, at and immediately before the execution and delivery of these presents, the receipt whereof by the State Treasurer is testified as aforesaid, HATH granted, bargained and sold, aliened, enfeoffed, released, conveyed and confirmed, assigned, transferred and set over, and by these presents, [by force and virtue of the power and authority given and granted by the seventh section of the said recited act of assembly, approved on the sixteenth day of May, one thousand eight hundred and fifty-seven, entitled "An Act for the sale of the Main Line of the Public Works," and in obedience to and full

execution of the direction thereof] BOTH grant, bargain and sell, alien, enfeoff, release, convey and confirm, assign, transfer and set over, unto The Pennsylvania Railroad Company aforesaid, their successors and assigns, the whole main line of public works between the said cities of Philadelphia and Pittsburgh, in the said State of Pennsylvania, consisting of the Philadelphia and Columbia Railroad, the Allegheny Portage Railroad including the new road to avoid the inclined planes, with the necessary and convenient width for the proper use of said railroads, the Eastern division of the Pennsylvania Canal from Columbia to the Junction, the Juniata division of the Pennsylvania Canal from the Junction to the eastern terminus of the Allegheny Portage Railroad, and the Western division of the Pennsylvania Canal from the western terminus of the Allegheny Portage Railroad to Pittsburgh; and including also the right, title and interest of the Commonwealth in the bridge over the Susquehanna at Duncan's Island; together with the same interest in the surplus water power of said canals, with the right to purchase and hold such lands as may be necessary to make the same available; and all the reservoirs, machinery, locomotives, cars, trucks, stationary engines, workshops, tools, water stations, toll houses, offices, stock and materials whatsoever and wheresoever thereunto belonging, or held for the use of the same, and together with all the right, title, interest, claim and demands of the Commonwealth of Pennsylvania to all property, real, personal and mixed, belonging unto or used in connection with the same by the said Commonwealth, AND TOGETHER with all and singular other the buildings, improvements, powers, authorities, ways, means and remedies, estates and interests, rights, members, incidents, liberties, privileges, easements, franchises, emoluments, reversions, remainders, rents, issues, profits, hereditaments and appurtenances, of what name, nature or kind soever thereto belonging, or in anywise appertaining, which by force and virtue of the said recited act of assembly and the provisions thereof, were meant and intended and of right ought to be hereby assigned and transferred therewith.

TO HAVE AND TO HOLD, receive, take and enjoy, all and singular the hereditaments and premises hereby granted and

assigned, or mentioned as intended so to be, with the several rights, privileges, powers and authorities, granted and conferred upon the purchaser in and by the said recited act of assembly, and all other the appurtenances, unto The Pennsylvania Railroad Company aforesaid, their successors and assigns, to and for the only proper use, benefit and behoof of The Pennsylvania Railroad Company aforesaid, their successors and assigns forever.

UNDER AND SUBJECT, nevertheless, to the observance and performance of all contracts and arrangements heretofore lawfully made by act of assembly, or otherwise, for and in respect to the use of such works, and to the carrying out of the same with all persons interested therein, in the same manner as the Commonwealth of Pennsylvania or its agents are now required to do by law. And Subject also, to all and singular other the regulations, provisions, conditions, limitations and restrictions concerning said works, and the use, management and disposition thereof, as are contained in the above recited act of assembly, in pursuance whereof this sale and conveyance is made, the same to all intents and purposes as if they were herein again fully set forth, mentioned and expressed.

IT BEING *the true intent and meaning* of these presents, that the SECRETARY of the COMMONWEALTH, above named, doth hereby grant, assign, transfer and assure, unto The Pennsylvania Railroad Company aforesaid, their successors and assigns, ALL AND SINGULAR the estate, right, title and interest of the said Commonwealth of Pennsylvania, of and in the whole main line of the public works of the State of Pennsylvania aforesaid, and every part and portion thereof, and of and in all property, real, personal and mixed, belonging to and used by the said Commonwealth in connection therewith, together with all the rights, remedies, incidents and appurtenances, of every name, nature, sort, kind or description whatsoever, thereunto in anywise appertaining, which by force and virtue of the said recited act of assembly, approved May 16, 1857, entitled "An Act for the sale of the main line of the public works," and the provisions of the seventh or any other section thereof, he the Secretary of the Commonwealth above

named, is authorized and empowered to grant, assign, transfer and assure unto the highest and best bidder at such sale.

*In Testimony Whereof*, The said ANDREW G. CURTIN, Secretary of the Commonwealth of Pennsylvania, hath set his hand, and affixed the GREAT SEAL of the said Commonwealth to these presents, at Harrisburg, in the State of Pennsylvania aforesaid, on this thirty-first day of July, Anno Domini one thousand eight hundred and fifty-seven.

[ Seal of the State of  
Pennsylvania. ]

ANDREW G. CURTIN,  
*Secretary of the Commonwealth.*

RECEIVED on the day of the date of the foregoing written deed-poll, of THE PENNSYLVANIA RAILROAD COMPANY aforesaid, their bonds for the sum of *seven millions five hundred thousand dollars*, bearing interest, and payable on the days and times before specified, being the full consideration in the said deed-poll mentioned.

H. S. MAGRAW,  
*State Treasurer.*

In the original deed there is here inserted, marked A, An Act for the sale of the main line of the public works, approved May 16th, 1857, with the certificate of the Secretary of the Commonwealth to the fact of it being a true copy.

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B.

PUBLIC SALE OF THE MAIN LINE OF THE PUBLIC WORKS  
OF PENNSYLVANIA.

EXECUTIVE CHAMBER, HARRISBURG, }  
May 16, 1857. }

Notice is hereby given, that by authority of an act of the General Assembly of Pennsylvania, approved May 16, 1857, entitled "An Act for the sale of the Main Line of the Public Works," there will be exposed to public sale at the Merchants' Exchange, in the city of Philadelphia, on Thursday, the 25th day of June, 1857, at 7½ o'clock P. M., the whole main line of public works between Philadelphia and Pittsburgh, consisting



of the Philadelphia and Columbia Railroad, the Allegheny Portage Railroad including the new road to avoid the inclined planes, with the necessary and convenient width for the proper use of said railroads, the Eastern division of the Pennsylvania Canal from Columbia to the Junction, the Juniata division of the Pennsylvania Canal from the Junction to the eastern terminus of the Allegheny Portage Railroad, and the Western division of the Pennsylvania Canal from the western terminus of the Allegheny Portage Railroad to Pittsburgh; and including also the right, title and interest of the Commonwealth in the bridge over the Susquehanna at Duncan's Island; together with the same interest in the surplus water power of said canals, with the right to purchase and hold such lands as may be necessary to make the same available; and all the reservoirs, machinery, locomotives, cars, trucks, stationary engines, work shops, tools, water stations, toll houses, offices, stock and materials whatsoever and wheresoever thereunto belonging, or held for the use of the same, and together with all the right, title, interest, claim and demands of the Commonwealth of Pennsylvania to all property, real, personal and mixed, belonging to or used in connection with the same by the Commonwealth, on the terms and conditions prescribed by the said act of assembly, copies of which may be obtained on application at, or letter addressed to, the office of the Secretary of the Commonwealth, at Harrisburg, Pennsylvania.

JAMES POLLOCK,  
*Governor of Pennsylvania.*

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C.

At a special meeting of the STOCKHOLDERS of *The Pennsylvania Railroad Company*, held after due notice by public advertisement, at Sansom Street Hall, in the city of Philadelphia, at 3 o'clock P. M., on Monday, July 20, 1857, and by adjournment, at the office of the company, in said city, at 3 o'clock P. M., the Thursday next following, for the purpose of accepting or rejecting the provisions of the act of assembly hereinafter mentioned, and also for the purpose of considering such action as the directors of the said company had taken in

pursuance of said act, but subject to the approval of the stockholders, His Honor *Richard Vaux*, mayor of the said city, was called to the chair, and *Edmund Smith*, Esquire, was appointed to act as secretary. The act of assembly having been read, the following resolution offered by Solomon W. Roberts, Esq., was considered and duly adopted; to wit:

“*Resolved 1st*, That the stockholders of The Pennsylvania Railroad Company accept the provisions of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled “An Act for the sale of the Main Line of the Public Works,” approved May 16, 1857, so far as the same in any way relate to or affect this company. And 2d, They ratify and approve of such action as has been taken by the board of directors of the company in purchasing the said main line of the public works, pursuant to the provisions of said act of assembly, for the sum of [\$7,500,000] seven millions five hundred thousand dollars.”

*Certified from the minutes.*

RICHARD VAUX,  
*Chairman.*

EDMUND SMITH,  
*Secretary.*

PENNSYLVANIA, ss.

JAS. POLLOCK. *In the name and by the authority*  
[Seal of the State of Pennsylvania.] *of the Commonwealth of Pennsylvania,*  
*James Pollock, Governor of the said Commonwealth,*  
*Sends Greeting:*

WHEREAS, In accordance with the provisions of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled “An Act for the sale of the Main Line of the Public Works,” approved on the sixteenth day of May, Anno Domini one thousand eight hundred and fifty-seven, a copy of which said act is hereinbefore exhibited, I did on the twenty-fifth day of June now last past, at seven and a half o’clock P. M., cause to be exposed at public sale at the Merchants’ Exchange,

in the city of Philadelphia, after due advertisement made in accordance with the requirements of said act of assembly, the said main line of the public works, with its several appurtenances mentioned and described in said act of assembly, at which said sale THE PENNSYLVANIA RAILROAD COMPANY, a corporation created by the laws of the Commonwealth, became the purchaser thereof for the sum of seven millions five hundred thousand dollars.

AND WHEREAS, The said company having made payment of said sum in accordance with the provisions of said act of assembly, and otherwise complied with its requirements. THEREFORE, I have accepted of their bid, do approve of the foregoing deed-poll of conveyance, and have authorized and directed the Secretary of the Commonwealth to affix to the said deed-poll the Great Seal of the Commonwealth of Pennsylvania, in attestation of the due and effectual execution thereof.

*In Testimony Whereof*, I have set my hand, and caused the Great Seal of the State to be affixed to these presents, at Harrisburg, this thirty-first day of July, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Commonwealth the eighty-second.

*By the Governor.*

ANDREW G. CURTIN,  
*Secretary of the Commonwealth.*

## AN ACT

AUTHORIZING THE PENNSYLVANIA RAILROAD COMPANY TO  
HOLD REAL ESTATE IN LANCASTER COUNTY.

*P. L. 1857, page 539. Approved May 16th, 1857.*

SECTION 1. That the Pennsylvania Railroad Company be and is hereby authorized and empowered to purchase and hold lands not exceeding five acres, in the county of Lancaster.

Authorized to purchase and hold lands in Lancaster county, not exceeding five acres.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO  
SUBSCRIBE TO THE CAPITAL STOCK OR ENDORSE THE BONDS  
OF THE CHARTIERS VALLEY RAILROAD COMPANY.

*P. L. 1857, page 598. Approved May 20th, 1857.*

Authorized to sub-  
scribe to capital stock,  
or guarantee pay-  
ment of principal and  
interest of mortgage  
bonds of Charters  
Valley Railroad Com-  
pany, not exceeding  
\$500,000.

Proviso.

SECTION 1. That the Pennsylvania Railroad Company be authorized to subscribe to the capital stock of the Charters Valley Railroad Company, or guarantee the payment of principal and interest upon the mortgage bonds of said Charters Valley Railroad Company to an amount not exceeding five hundred thousand dollars, on such terms and conditions as may be agreed upon between the said companies: *Provided*, That the subscription so made shall not be exempt from taxation by virtue of any provisions contained in the act approved May sixteenth, one thousand eight hundred and fifty-seven, for the sale of the main line of the public works.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO  
SUBSCRIBE TO THE CAPITAL STOCK OF THE HEMPFIELD  
RAILROAD.

*P. L. 1857, page 599. Approved May 20th, 1857.*

Authorized to sub-  
scribe to capital stock  
of Hempfield Rail-  
road Company, not  
exceeding \$1,000,000.

Proviso.

Proviso.

SECTION 1. That the Pennsylvania Railroad Company be authorized to subscribe to the capital stock of the Hempfield Railroad Company, any sum not exceeding one million dollars, on such terms and conditions as may be agreed on between said companies: *And provided*, That this act shall not be of valid effect until accepted by the stockholders of the Pennsylvania Railroad Company, at a meeting to be called for that purpose, as provided in like cases by the charter of the said company: *Provided, further*, That the stock subscribed in pursuance of this act shall not be relieved from taxation, by virtue of any provisions contained in the bill passed at the present session of the Legislature for the sale of the main line of the public works.



## A FURTHER SUPPLEMENT

TO THE ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD  
COMPANY.

*P. L. 1857, page 649. Approved May 21st, 1857.*

SECTION 1. That so much of the tenth section of the charter of the said company as requires the payment of a dividend ten days after its declaration, be and the same is hereby repealed; and that each dividend that may hereafter be declared, shall be paid to the stockholders, or their legal representatives, on application at the office of the said company, at any time not exceeding thirty days after its declaration, as the board of directors may fix.

Dividends to be paid within thirty days after declaration, as directors may fix. See Sec. 10, Act April 13, 1846, p. 13.

## AN ACT

TO AUTHORIZE THE APPOINTMENT OF APPRAISERS TO ASSESS  
AND REPORT THE DAMAGES SUSTAINED BY TRANSPORTERS  
AND OTHERS BY REASON OF THE SALE OF THE MAIN LINE  
OF THE PENNSYLVANIA CANAL.

*P. L. 1858, page 136. Approved March 19th, 1858.*

SECTION 1. That immediately after the passage of this act, the Governor be and is hereby authorized and directed to appoint one person who is disinterested, and the Pennsylvania Railroad Company shall appoint another, who shall not be an employé or stockholder of said company, and the persons thus selected shall appoint a third, whose duty shall be to ascertain, appraise, and assess the damages sustained, if any, by the individual transporters on the main line of the public works, or any part thereof, from and after the passage of an act, entitled "An Act for the security of certain transporters on the public works of this Commonwealth," approved the eleventh day of February, one thousand eight hundred and fifty-six, by reason of the sale of the main line: *Provided,*

Governor to appoint one, P. R. R. Company one, and they to appoint a third person, to assess damages sustained by individual transporters on main line by reason of sale thereof.

Proviso.



P. R. R. Company to have five days' notice of time and place of appointing appraisers. If company neglects, Governor to appoint the second person.

*however*, That said Pennsylvania Railroad Company shall have notice of the time and place of appointing said appraisers, by service on the President or Vice-President of said corporation for five days; and if said corporation then should neglect or refuse to appoint an appraiser, in that case the Governor shall appoint a second person, which two shall select a third.

Duty of appraisers.

SECTION 2. That it shall be the duty of the said appraisers immediately after their appointment, after having been severally duly sworn or affirmed, to ascertain and assess the amount of damages sustained by the aforesaid individual transporters by reason of the sale of said main line, under the provisions of the above-mentioned act, and report the same by schedule, designating the different kinds of property upon which damages are assessed, with the value attached to each particular kind, such transporters by name and the amount of damages awarded them during the present session of the Legislature.

Compensation of appraisers.

SECTION 3. That the said appraisers shall receive for their services, each at the rate of four dollars per day for each and every day they shall be necessarily employed; and the Governor is hereby authorized and directed to draw his warrant on the State Treasurer for the amount: *Provided*, The time of such examination shall not exceed ten days.

Proviso.

Appraisers to administer oaths and affirmations to witnesses.

SECTION 4. That the said appraisers be and they are hereby authorized and empowered to administer oaths and affirmations to witnesses in the investigation hereinbefore provided for.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO  
MAKE SALES OF CERTAIN REAL ESTATE.

*P. L. 1858, page 197. Approved April 1st, 1858.*

Authorized to sell and convey such real estate as the directors may deem unnecessary for the uses and purposes of the company.

SECTION 1. That hereafter the Pennsylvania Railroad Company shall have full power and authority to make sale of such real estate situated at Powelton, in the city of Philadelphia,

or elsewhere, as the said company may at any time hold, or be in any way interested in or entitled to, and which, in the opinion of the directors of the said company, shall not be necessary for the uses and purposes of said company, and to assure to the purchasers of the same, by good and effectual title, the premises which shall be sold under the authority of this act: *Provided, however,* That the authority herein contained shall not be so construed or exercised as to discharge any lien that the Commonwealth of Pennsylvania may have on any of the real estate sold and conveyed in pursuance of this act.

See Sec. 2, Act April 23, 1852, p. 38; and Acts May 20, 1853 p. 44; April 22, 1856, p. 56; March 30, 1860, p. 86, 90; March 19, 1863, p. 106; April 27, 1864, p. 111.

Proviso.

No lien that the State may have shall be discharged by virtue of the authority herein given.

## A FURTHER SUPPLEMENT

TO THE ACT AUTHORIZING THE INCORPORATION OF THE PENNSYLVANIA RAILROAD COMPANY, APPROVED THE THIRTEENTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

*P. L. 1859, page 827. Approved January 4th, 1859.*

SECTION 1. That the Pennsylvania Railroad Company be and they are hereby authorized to lay out, locate and construct a railroad, with one or more tracks, from such point as they may select on their present road, between Harrisburg and their railroad bridge over the Susquehanna river, to the borough of Dauphin, in the county of Dauphin, and with the right to connect with any railroad now built, or which may hereafter be built, passing into or through the said borough of Dauphin, and to have, hold, use and enjoy the same, with all the powers, privileges and immunities, and subject to all the restrictions and liabilities contained in the act authorizing the incorporation of the said Pennsylvania Railroad Company, and the several supplements thereto: *Provided,* That the construction of the said road shall be begun within six months, and be completed within two years from the passage of this act.

Authorized to construct branch railroad from Harrisburg to Dauphin.

Subject to.

Proviso.

May purchase or lease  
a portion of Dauphin  
and Susquehanna  
Railroad, &c.

SECTION 2. That the Pennsylvania Railroad Company be and they are hereby authorized to lease for a term of years, or purchase, as they may deem expedient, that portion of the Dauphin and Susquehanna Railroad, from its connection with the said The Pennsylvania Railroad, near their bridge over the Susquehanna river, to a point in the borough of Dauphin, with the right to connect with any road now built or which may hereafter be built, passing into or through the said borough of Dauphin, with power to alter, improve, lay additional tracks, have, hold, use and enjoy the said road so leased or purchased, as a part of the Pennsylvania Railroad, with all the powers, privileges and immunities, and subject to all the restrictions and liabilities contained in the act authorizing the incorporation of the said The Pennsylvania Railroad Company, and the several supplements thereto: *Provided*, That the proceeds of said sale be applied to the payment of the interest creditors of said Dauphin and Susquehanna Railroad Company, *pro rata*.

May alter and im-  
prove the same.

Proviso.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, February 7th, 1859.

## A. FURTHER SUPPLEMENT

TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD  
COMPANY.

*P. L. 1859, page 512. Approved April 11th, 1859.*

Authorized to sub-  
scribe to capital stock  
of Fayette and West-  
moreland Railroad  
Company not exceed-  
ing \$400,000.

SECTION 1. That from and after the passage of this act, it shall be lawful for the Pennsylvania Railroad Company to subscribe to the capital stock of the Fayette and Westmoreland Railroad, any sum not exceeding four hundred thousand dollars: *Provided*, That before such subscription shall be made, the consent of a majority of the board of directors of the said Pennsylvania Railroad Company shall have been

Proviso.

obtained, designating the amount of such subscription: *Pro-* Proviso.  
*vided further*, That the said subscription when made by the  
 directors, shall be ratified and approved by a majority of  
 stockholders present at a meeting called for the purpose of  
 considering the same.

## AN ACT

AUTHORIZING THE PENNSYLVANIA RAILROAD COMPANY TO  
 OBTAIN A BETTER SUPPLY OF WATER FOR THE USES OF  
 THEIR ROAD.

*P. L. 1859, page 679. Approved April 15th, 1859.*

SECTION 1. That it shall be lawful for the Pennsylvania Relative to obtaining  
a supply of water.  
 Railroad Company to enter upon any lands adjacent to the  
 railway of said company, or to any of the real estate owned or  
 occupied by said company, for the purpose of obtaining a  
 supply of water for the uses of said road, its machinery, shops,  
 water stations and depots, and of any other property owned  
 or occupied by said company.

SECTION 2. In the event of an inability to agree as to the Relative to compen-  
sation for water and  
land.  
 price or value to be paid for the use of such water, and of such  
 land as may be required to be occupied for the conducting of  
 the same to the premises of said company, it shall be lawful  
 for said company, or for the owners of such property, to cause  
 to be instituted such proceedings as are prescribed by the Damages.  
 fourth section of a further supplement to an act to incorporate  
 the Pennsylvania Railroad Company, passed April thirteenth,  
 one thousand eight hundred and forty-six, approved March  
 twenty-seventh, one thousand eight hundred and forty-eight,  
 the provisions of which supplements are hereby extended to  
 all such cases: *Provided*, That said railroad company shall Proviso.  
 have no power to take any water from any spring, well or  
 stream of water used by any owner or occupant of real estate  
 at any dwelling house, brewery, distillery, or any other manu-  
 facturing establishment, barn or stable, without first obtaining  
 the consent of such owner in writing.



## AN ACT

TO INCORPORATE THE CITY OF HARRISBURG, IN THE COUNTY  
OF DAUPHIN.*P. L. 1860, page 175. Approved March 19th, 1860.*

Real estate of P. R. R.  
Company excepted  
from taxation for city  
purposes.  
See Acts April 1, 1863,  
p. 107; March 23, 1865,  
p. 119; Sec. 1, Act  
March 30, 1866, p. 125;  
Act March 30, 1870, p.  
136.

SECTION 24. That the assessors, in making such assessment of property in the city of Harrisburg, shall assess all the property which is now by law subject to taxation for borough purposes, in the said borough of Harrisburg, and shall also assess for taxation, for city purposes, the real estate of all incorporated companies within the limits of the said city, except the real estate of the Pennsylvania Railroad Company, the Harrisburg and Lancaster Railroad Company, the Cumberland Valley Railroad Company, the Reading Railroad Company, and the several cemeteries, together with the buildings thereon erected.

## A SUPPLEMENT

TO AN ACT RELATIVE TO CERTAIN PARTS OF THE ESTATE OF  
ELIZABETH POWEL, DECEASED.*P. L. 1860, page 365. Approved March 30th, 1860.*

Preamble.  
See Sec. 2, Act April  
23, 1852, p. 38; and  
Acts May 20, 1853, p.  
44; April 22, 1856, p.  
56; April 1, 1858, p. 82;  
March 30, 1860, p. 90;  
March 19, 1863, p. 106;  
April 27, 1864, p. 111.

WHEREAS, By an act of the general assembly of this Commonwealth, approved on the second day of February, Anno Domini one thousand eight hundred and thirty-six, reciting certain provisions of the will of Elizabeth Powel, formerly of the city of Philadelphia, deceased, the true date whereof is the twenty-second day of May, Anno Domini one thousand eight hundred and nineteen, it was enacted that any person who then had, or thereafter should have or hold, under the said will, an estate, or use for life in an estate, called Powelton, thereby devised, should have power to grant and convey the said estate, and any and every part or parts



thereof, in fee, reserving as the entire consideration thereof, a perpetual annual rent or rents, payable half yearly, and redeemable and extinguishable, as therein provided, by the payment of a sum of money, not less than sixteen years and two-thirds of a year's purchase of any such annual rent:

AND WHEREAS, Afterwards John Hare Powel, of the said city, being then entitled, under the said will, to an estate or use for life as aforesaid, and acting under and by virtue of the said act of assembly, by articles of agreement, dated the seventh day of July, Anno Domini one thousand eight hundred and fifty-one, and recorded at Philadelphia, in deed book G. W. C., number one hundred and thirteen, page two, did contract to sell unto William C. Patterson, and others, the said estate called Powelton, which was therein more particularly described, for the price or sum of three hundred and fifty thousand dollars, to be paid in a ground rent or ground rents to be reserved out of the said estate; and by the third article of the said agreement, it was agreed that the ground rents which might be reserved out of separate parts of the estate, should be charged and apportioned upon several certain sections of the said estate, according to certain rates or valuations in the said article particularly set forth:

AND WHEREAS, The said John Hare Powel afterwards, in pursuance of the said articles of agreement, by indenture dated the second day of May, Anno Domini one thousand eight hundred and fifty-three, and recorded as aforesaid in deed book T. H., number eighty-four, page seventy-three, by and with the concurrence, and at the request of the said William C. Patterson, and others, parties of the second part to the said articles, did grant and convey unto the Pennsylvania Railroad Company, their successors and assigns, a tract of thirty acres of land, in the late district of West Philadelphia, and now city of Philadelphia, part of the said estate, called Powelton, reserving thereout, unto Robert Hare and Hartman Kuhn, the then trustees under the will of the said Elizabeth Powel, and parties of the second part to the said indenture, the yearly rent or sum of eleven thousand dollars, in trust for the uses and purposes set forth and declared in the said will; and by

another indenture, likewise bearing date the second day of May, Anno Domini one thousand eight hundred and fifty-three, and recorded as aforesaid in deed book T. H., number eighty-four, page eighty-five, he, the said John Hare Powel, did grant and convey to the said William C. Patterson, and others, parties of the second part to the said articles of agreement, the residue of the said estate called Powelton, described therein as containing ninety-three acres, more or less, reserving thereout, to the said then trustees under the said will, the yearly rent or sum of ten thousand dollars, in trust for the uses and purposes aforesaid:

AND WHEREAS, At the time of the execution of the said articles of agreement, it was the understanding and intention of the parties thereto that the said William C. Patterson, and others, their heirs and assigns, after three months' previous notice, and upon the payment by them of any sum, not less than five thousand dollars at any one time, on account of the principal of any one of the ground rents to be reserved upon the conveyance of the said estate as aforesaid, should be entitled at any time to have such rent or rents proportionately abated, and a just proportion of such estate exonerated from the lien of the same, according to certain rates then agreed upon; but it has been doubted whether this understanding and intention have been sufficiently expressed in the said articles of agreement, and carried into effect by the terms of the said two above recited indentures:

AND WHEREAS, To confer upon the trustees under the said will the power of releasing parcels of the said estate from the lien of the said ground rents, would facilitate the improvement of the whole of the estate, and thereby increase the value and security of the said rents:

AND WHEREAS, The said John Hare Powel being deceased, his son Samuel Powel, of the city of Philadelphia, is the person now entitled, under the said will and act of assembly, to an estate, or use for life, in the said two yearly ground rents of eleven thousand dollars and ten thousand dollars respectively; therefore,











SECTION 1. That the said Samuel Powel shall have power, at one time, or from time to time, by agreement with any persons or corporations in whom the said tract of land conveyed by the said two several above recited indentures, or any part thereof, is, are or shall be vested, to ascertain and specifically determine, according to the rates or valuation set forth in the third article of the first above recited agreement of the seventh day of July, Anno Domini one thousand eight hundred and fifty-one, the sums which ought to be paid for the abatement or release of the said rents, with respect to such smaller parcels, subdivisions or sections of the said estate, called Powelton, as shall be designated and agreed upon: *Provided*, That not less than the sum of five thousand dollars shall be thereby made payable for the release of any one such parcel, subdivision or section.

Samuel Powel authorized to make agreement relative to releases or abatements.

Proviso.

SECTION 2. That when and as often as such agreement shall be made as is above provided, it shall be lawful, at any time thereafter, for any person or corporation, being the owner of any such parcel, subdivision or section of the said estate so as aforesaid ascertained and defined, upon three months' previous notice, in writing, of his, her or their intention so to do, to tender and pay to the trustees or trustee, for the time being, under the will of the said Elizabeth Powel, such sum or sums, not being less than five thousand dollars, as shall have been so agreed to be made payable in abatement of the ground rent or ground rents aforesaid with respect to the particular parcel, subdivision or section, the same being always estimated in silver money of the weight and standard particularly specified in the said two indentures, together with the proportionate arrears of ground rent then due or accrued with respect thereto; whereupon, it shall be the duty of the said trustees or trustee, for the time being, and they or he are or is hereby authorized, in due form of law, and at the proper costs and charges of the person or corporation so paying such sum or sums, to release and exonerate the said parcel, section or subdivision from the lien of either or both of the said yearly rents, as the case may be, and to abate and proportionately reduce the particular rent or rents, and the principal or extinguishment moneys thereafter to be paid in respect thereto; whereupon, and so often as

Persons making agreements, the right to pay to the trustee the amounts agreed upon, &c.

Trustees to release parcels of ground from lien of yearly ground rents.

this shall be done, the covenants, conditions and provisions set forth and contained in that one or both of the said above recited indentures, by which the particular rent or rents so abated or reduced was or were reserved, shall thenceforth, for all purposes of remedy, action or otherwise, be held and construed to extend and apply to such abated rent or rents, and principal or extinguishment moneys, and to the remainder of the said tract or tracts of land other than the parts so released as aforesaid, as though the same had been originally, and by proper terms therein and thereby mentioned, reserved, expressed and described: *Provided*, That all sums to be received by the said trustees or trustee, for the time being, in pursuance of this act, not being arrears of ground rent, shall be invested in the debt of the United States, or of this State, or of the city of Philadelphia, or in real securities or ground rents, in the manner and under the authority prescribed by the act of assembly to which the act is a supplement, in respect to the extinguishment moneys of the said ground rents, and in like manner, without liability on the part of the party paying the same, to see to the investment and application thereof.

Proviso.

## AN ACT

RELATING TO THE POWELTON ESTATE IN WEST PHILADELPHIA, HELD BY OR FOR THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1860, page 379. Approved March 30th, 1860.*

SECTION 1. That the Pennsylvania Railroad Company be and they are hereby authorized and empowered to take and receive from the Girard Life Insurance, Annuity and Trust Company of Philadelphia, a conveyance of, and to hold, in fee simple, such part or parts as have not been sold, of a certain tract or parcel of land part of the Powelton estate, which William C. Patterson and wife, and others, by indenture dated the twenty-first day of November, Anno Domini one thousand eight hundred and fifty-three, recorded at Philadelphia, in deed

See Sec. 2, Act April 23, 1852, p. 38; and Acts May 20, 1853, p. 44; April 22, 1856, p. 56; April 1, 1858, p. 82; March 30, 1860, p. 86; March 19, 1863, p. 106; April 27, 1864, p. 111.

P. R. R. Company authorized to receive

book T. H., number one hundred and one, page five hundred and forty-seven, et cetera, granted unto the said The Girard Life Insurance, Annuity and Trust Company of Philadelphia, in trust for the use and benefit of the said railroad company, and for the purpose of selling, as therein set forth; and the said railroad company are hereby authorized and empowered to sell and dispose of such parts of said premises so to be conveyed to them, as, in the opinion of the directors of the said company shall not be necessary for the uses and purposes of the company, and to grant and convey the same to the purchasers thereof, in fee simple, upon ground rent or otherwise; and in case any such sale be made in consideration of a yearly ground rent, to be reserved to the said company and to remain charged upon the land so sold, then the said company are authorized to hold, and stand seized, of any such yearly rent, with the rights, incidents and appurtenances thereto belonging, and to sell and dispose of the same when they may deem it expedient.

from Girard Life Ins., An. and Trust Co. conveyance of part of Powelton estate.

Authorized to sell parts not necessary for use of the Company.

## AN ACT

RELATIVE TO THE REMOVAL OF THE TRACKS OF THE PENNSYLVANIA RAILROAD COMPANY FROM A PORTION OF LIBERTY STREET, IN THE CITY OF PITTSBURGH.

*P. L. 1860, page 667. Approved April 5th, 1860.*

SECTION 1. That to enable the Pennsylvania Railroad Company to remove their railroad tracks from that portion of Liberty street, in the city of Pittsburgh, lying between Carson and Washington streets, or for any portion of this distance, that they be and are hereby fully authorized to enter in and upon, take, use and appropriate, for general railroad purposes, the whole or any portion of all that certain property, situate in the Third, Fifth and Ninth Wards of the city of Pittsburgh, bounded and described as follows: That part situate in the Third and Fifth Wards, being bounded on the north by Liberty street, on the south by Quarry street and Perry street, and by a straight line drawn from the intersection of Quarry and

To remove tracks from Liberty street, Pittsburgh.

Authorized to appropriate certain property for railroad purposes.

Elm streets to the intersection of Washington and Fountain streets, and on the east by the line of the Ninth Ward, and on the west by Washington street; that part lying in the Ninth Ward being bounded on the north by the Pennsylvania Railroad, on the south by a line parallel to the said railroad, and not exceeding one hundred feet therefrom, on the east by Lumber street, and on the west by the line of the Fifth Ward; and for the entry upon the whole or any portion of the said property, and for the assessment of damages resulting from the appropriation thereof, the said railroad company are hereby clothed with all the rights, powers and privileges granted in their charter of incorporation, and its supplements; and shall be subject to all the limitations, conditions and restrictions therein contained, except that the viewers appointed under this act shall be residents of the city of Pittsburgh.

Assessment of damages.

Councils of Pittsburgh may vacate streets and alleys. See Sec. 2, Act April 15, 1869, p. 134.

SECTION 2. That full power and authority be and is hereby given to the Select and Common Councils of the City of Pittsburgh, upon the application of said railroad company, to vacate any street or alley crossing said property, and the whole or any portion of any street or alley adjoining the same.

Laws prohibiting the taking of property used for public worship, dwelling, &c., for railroad purposes, repealed so far as relates to said property. See Sec. 11, Act April 13, 1846, p. 14; Sec. 3, Act March 27, 1848, p. 28; Sec. 2, Act Feb. 17, 1854, p. 46.

SECTION 3. That so much of the charter of said railroad company, and its supplements, or of any other law of this Commonwealth, as forbids the taking of property for railroad purposes used as a place of public worship, or as a dwelling house or homestead, without the consent of the owner or owners thereof, is hereby repealed, so far as relates to the property described in the first section of this act.

To remove track from Liberty street.

Proviso.

See Acts April 1, 1863, p. 106; April 20, 1864, p. 110; March 21, 1865, p. 118.

SECTION 4. That if the said company shall enter upon or take possession of the said property, or any part thereof, under the provisions of this act, it shall be the duty of said company, as soon as conveniently may be thereafter, to remove the track of said road from that part of Liberty street described in the first section of this act, in such manner as to leave the street in good repair: *Provided*, That such removal shall be completed within three years after the passage of this act; and at the expiration of that time, the right of said company to enter upon or take possession of said property, or any portion thereof, without the consent of the owners, shall cease.



## AN ACT

## FOR THE COMMUTATION OF TONNAGE DUTIES.

*P. L. 1861, page 88. Approved March 7th, 1861.*

WHEREAS, By a provision of the act to incorporate the Pennsylvania Railroad Company, approved the thirteenth of April, eighteen hundred and forty-six, and a supplement thereto, approved the twenty-seventh of March, eighteen hundred and forty-eight, a tax or duty was imposed on all tonnage loaded or received at Harrisburg, Pittsburgh and intermediate points, and carried or conveyed on the railroad of the said company more than twenty miles, which said tax was intended to compensate for any probable diminution in the receipts of the main line of the public works, (then owned by the state,) by reason of the construction and operation of the said railroad :

Preamble.

AND WHEREAS, It was provided in the third section of the act for the sale of the main line of the public works, approved the sixteenth day of May, eighteen hundred and fifty-seven, that if the Pennsylvania Railroad Company should become the purchasers of the said works, the said company, in addition to the sum of seven millions five hundred thousand dollars, (\$7,500,000,) the price limited by the said act, should pay the sum of one million five hundred thousand dollars, (\$1,500,000,) in five per cent. bonds of the company; and that thereupon the said company, and the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company should, in consideration thereof, be discharged by the Commonwealth forever from the payment of all taxes upon tonnage or freight carried over said railroads, and the said The Pennsylvania Railroad Company should be released from the payment of all other taxes or duties on its capital stock, bonds, dividends or property :

AND WHEREAS, It was subsequently decided by the Supreme Court of this Commonwealth, that while the Legislature had full authority to repeal the provisions of the said acts, by which the said tonnage tax was imposed, yet, inasmuch as part of

the said last mentioned section in the act for the sale of the main line placed all the property of the said company beyond the reach of the taxing power, it was, therefore, to that extent, unconstitutional and void :

AND WHEREAS, It was the clear intention of the Legislature, by the said act for the sale of the main line, in case the said The Pennsylvania Railroad Company should become the purchaser of the same, to exonerate and release the said company from further liability for the payment of the said tonnage tax, and for the additional consideration therein named, all other taxes; and as the said tonnage tax now falls indirectly on flour, grain, cattle, iron, minerals and other domestic products transported on one line of improvements, while similar products transported on other lines are exempt from the same; and as the reason for the imposition thereof ceased to exist on the sale of the works it was intended to protect, the right of the State any longer to demand the payment of the said tax is denied, and said demand has led to litigation between the State and the company, and will probably involve the parties in litigation with citizens of other States, to the injury of our internal trade and commerce, which it is the duty of the Government to encourage and protect, by all lawful means :

AND WHEREAS, The said company has proposed a compromise and final settlement of the question, by paying into the treasury, in commutation of the said tonnage tax, and in discharge thereof, such additional sum, semi-annually, over and above the instalments of principal and the interest on its debt to the State, as may be required to make said payments amount to four hundred and sixty thousand dollars (\$460,000) annually, until the year eighteen hundred and ninety, at which time the entire balance of the principal and interest shall be paid in full; and by paying, also, in addition to the said semi-annual instalments, all other taxes on their property to which they may hereafter be made liable under the General Revenue Laws of the State, and agree to make reductions for transportation of local trade, as hereinafter provided, and to aid, also, in the construction of certain lateral railroads, the completion of which is essential as a means of facilitating the

settlement and improvement of valuable districts of the Commonwealth yet undeveloped:

AND WHEREAS, In the opinion of this Legislature it is expedient to accept the said proposition, and to relieve all agricultural, mineral and industrial products, and other property passing over any railroad, canal or slackwater navigation in this Commonwealth, from the payment of tonnage tax or duty to the State; therefore,

SECTION 1. That if a majority of the directors of the Pennsylvania Railroad Company, who, for the purposes of this act, are hereby vested with all needful authority, shall, at a meeting called for that purpose, resolve to accept the provisions of this act, and shall authorize the execution of a written contract, under its corporate seal, with the Commonwealth of Pennsylvania, to pay into the State Treasury, on account of its indebtedness to the Commonwealth, by reason of the purchase of the main line of the public works, on the thirty-first days of January and July, in every year, until the thirty-first of July, eighteen hundred and ninety, inclusive, such sum, in addition to the interest on its bonds owned by the State, and in addition to its annual liability to the State on account of purchase-money for said line of improvements, as will increase each semi-annual payment, on account of said debt and interest, to the sum of two hundred and thirty thousand dollars, (\$230,000,) and the aggregate of all such payments to the sum of thirteen millions five hundred and seventy thousand dollars, (\$13,570,000,) and shall agree to pay, on the said thirty-first day of July, eighteen hundred and ninety, into the treasury, the balance then unpaid of the principal and interest of said bonds, and shall further agree to reduce its local charges for the transportation of grain, flour, cattle, iron, minerals and other property, as hereinafter provided; and if the said company shall, in the manner aforesaid, on or before the first day of July next, make and enter into with the Commonwealth of Pennsylvania a written contract to that effect, and shall, on or before said day, deliver the same to the Commonwealth, by depositing the same in the office of the Auditor General, then and in such case, and in consideration thereof, the Common-

Directors of P. R. R. Company may accept the provisions of this Act and enter into contract with the Commonwealth to pay additional amount on account of sale of main line.

Conditions and considerations of contract.

Contract to be delivered to the Commonwealth.

Then tonnage tax to cease, unless, &c.

Repeal of laws imposing tax upon tonnage; See Sec. 22, Act April 13, 1846, p. 21; Sec. 1, Act March 27, 1848, p. 27; Sec. 3, Act May 16, 1857, p. 62.

To be released from lien and liability to State on account of obligation given or judgment recovered.

Reduction of charges for transportation on local freight.

Rates.

wealth of Pennsylvania shall not, at any time hereafter, lay, impose, levy or collect any tax or duty upon, or in respect to freight or tonnage passing over the said Pennsylvania Railroad, or the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad, or any part of them, or either of them, unless a like tax shall at the same time be imposed, laid or levied upon all other railroads or railroad companies of this Commonwealth; and all laws imposing taxes or duties upon freight or tonnage upon the railroads, canals or slackwater navigation companies, for the use of the Commonwealth, be and they are hereby repealed, and no further or other proceedings shall be had or taken on the part of the Commonwealth to enforce the collection of any tax or duty, or obligation given therefor, or judgment recovered or obtained, in pursuance of any existing laws, on tonnage carried or conveyed on the railroad of said Pennsylvania Railroad Company, or on that of any other company incorporated by this State; and the said companies shall be, by the proper officers of the Commonwealth, exonerated, released and relieved from every lien and liability to the State on account thereof.

SECTION 2. That from and after the passage of this act, all railroad, canal and slackwater navigation companies incorporated by this State, and liable for the payment of taxes or duties on tonnage, imposed by any laws heretofore enacted, shall make a reduction of their charges for transportation on their local freight, as fixed by their respective toll sheets, on the first day of February, one thousand eight hundred and sixty-one, equal to the full amount of the tax or duty chargeable upon such freight or tonnage by the laws aforesaid; the present winter rates between first day of December and the first day of May, shall be considered as fixed at ninety cents per one hundred pounds for first class, seventy-five cents per one hundred pounds for second class, sixty cents per one hundred pounds for third class, and forty cents per one hundred pounds for fourth class; summer rates between the first day of May and first day of December, in each year, shall be seventy-five cents per one hundred pounds for first-class, sixty cents per one hundred pounds for second class, fifty cents per one hundred pounds for third class, and forty cents per one



hundred pounds for fourth class, on all trade carried between Philadelphia and Pittsburgh; and a failure on the part of either of said companies to make such reduction, shall render the company so neglecting liable to the Commonwealth for double the amount of the tonnage tax heretofore chargeable against them upon such trade; and every such company shall, within thirty days after the passage of this act, under a like penalty, file in the office of the Auditor General, under the oath of the president or other proper officer, a toll sheet of their rates of charges for transportation of local freights, upon the first day of February, one thousand eight hundred and sixty-one, accompanied by a statement of the reduction to be made in pursuance of this act; and the said rates, as so reduced, shall be the highest rates that can be charged for the transportation of such freight and tonnage by any company accepting the provisions of this act: *Further*, The Pennsylvania Railroad Company shall not, at any time, charge or collect rates on any description of freights, from any eastern or seaboard cities to Pittsburgh, higher than the gross rates charged or collected by the same route from same points to any point west of Pittsburgh: nor shall the said Pennsylvania Railroad Company at any time charge or collect rates on any description of freights from Pittsburgh to Philadelphia, Baltimore, New York or other seaboard cities, higher than the gross rates that may be charged by the same route from any point west of Pittsburgh to the same points, on the same description of property. The local rates from Pittsburgh or Philadelphia to stations on the line of the Pennsylvania Railroad, shall at no time exceed the gross rates charged through between Philadelphia and Pittsburgh; nor shall local rates between any two stations on the road between Philadelphia and Pittsburgh, exceed the through rates as made from time to time under the provisions of this act, nor shall the rates charged to any local points exceed those charged to any point of greater distance in the same direction from the place of shipment: *And further*, All shippers of western products, under through bills of lading, from any point west of Pittsburgh, by river to Pittsburgh, to the seaboard cities, shall have the privilege of disposing of their property at Pittsburgh, by giving timely notice, before its arrival at that point, to the

Liability upon failure to make a reduction of charges.

Toll sheet of rates and statement of reduction to be filed.

Limitations of rates.

Rates westward.

Rates eastward.

Local rates.

Privileges of shippers of western freight.



transfer agents of the Pennsylvania Railroad Company, and by delivering up their through bills of lading, thus releasing the Pennsylvania Railroad Company from all liability on account thereof. If the property is not sold at Pittsburgh, the owner, consignee or shipper of said property shall have the right to deliver the same to the transfer agency of the Pennsylvania Railroad Company at Pittsburgh, and forward the same, within ten days after its arrival at Pittsburgh, under the conditions and rates of the original through bill of lading.

Company liable to  
State tax.

SECTION 3. That the Pennsylvania Railroad Company shall be liable to taxation for all State purposes, and the said company shall pay the same rate of taxation which is now or may hereafter be imposed by any general law operating upon all other railroad companies incorporated by this Commonwealth. The semi-annual instalments of the sum of thirteen millions five hundred and seventy thousand dollars, (\$13,570,000,) and the balance of the said debt and interest so to be paid into the State treasury as is herein provided, are hereby pledged to, and the same shall be applied only to the payment and extinguishment of the principal and interest of the funded debt of this Commonwealth, and to no other purpose whatsoever.

To be applied only to  
payment of State  
debt.

Company to aid other  
railroads.

SECTION 4. That for the purpose of developing the resources of the State, the Pennsylvania Railroad Company is hereby authorized and required to expend the sum of eight hundred and fifty thousand dollars (\$850,000) in aid to the Chartiers Valley Railroad Company; the Pittsburgh and Steubenville Railroad Company; the Fayette County Railroad Company, (between Greensburg and the Youghiogheny river;) the West Pennsylvania Railroad Company, (between Blairsville and Butler;) the Ebensburg and Cresson Railroad Company; the Bedford Railroad Company, (between Hopewell and Bedford;) the Tyrone and Clearfield Railroad Company, and the Phillipsburg and Waterford Railroad Company, (between Tyrone and Brookville;) the Tyrone and Lock Haven Railroad Company; the Mifflin and Centre County Railroad Company, (between Lewistown and Milroy;) the Chambersburg and Allegheny Railroad Company, (between Chambersburg and

the point of connection with the Bedford Railroad, near Hopewell;) or their successors or assigns, in sums proportioned to their respective lengths between the above designated points, by purchasing their bonds at their par value, respectively, from said companies, payable in twenty years, with interest, payable semi-annually, secured by a first mortgage created for the purpose on their property, real and personal, and franchises acquired and to be acquired: and the said companies are hereby respectively authorized and empowered to create and issue such bonds, and secure the payment thereof by such mortgages, by and with the consent of a majority of their respective stockholders, present at a meeting to be called for that purpose, of which notice shall be given, as provided by their charters or by-laws, respectively; said bonds, and the mortgages given to secure the same, shall not exceed in amount the sum required for the cost of the superstructure of bridges, the rails, cross-ties, chairs and spikes, and laying the track of the said roads, respectively; and the proceeds of all the said bonds so secured, shall be exclusively applied to the said purposes; and the said purchases of bonds shall be required to be made of each of the said companies in instalments, after sections of said roads, respectively, of the length of five miles from each end, as hereinbefore designated, shall have been duly and properly graded, and the masonry completed, and after the said grading and masonry shall have been approved by a competent civil engineer, appointed by the Governor for that purpose, and who shall be paid for his services by the said companies receiving aid under the provisions of this act; and when each section of five miles, so graded from each such end of the said roads respectively, shall have been so completed, and such certificate so given, then the *pro rata* proportion of the said bonds shall be purchased, and so continued, from time to time, until the amount payable to the said companies shall be exhausted; and the sum paid upon the completion of the said sections as aforesaid, respectively, shall be exclusively appropriated and be used for the purposes above mentioned upon the section for and in respect to which the purchase is made, and for no other purpose or portion of said road whatsoever: *Provided, however,* That if either of the said companies shall fail to grade and prepare for bridges, superstructure

Mode of.

Said companies authorized to issue their bonds, &c.

When purchases of bonds to be made.

Proviso.  
If companies fail to grade, &c., within one

year, &c., such company to have no right to demand further purchase of bonds, and sums they were entitled to, to be divided *pro rata* among other companies.

and laying of track at least one section of five miles at each of such end of its road within one year, or the whole of their respective roads within three years from the passage of this act, any such company so in default shall no longer have any right to demand or require any further purchase of their bonds as aforesaid, and the sums which any such defaulting companies would have been entitled to demand in payment of their bonds, shall be added *pro rata* to the purchases to be made of such of the said companies as shall comply with the provisions of this section: *Provided*, That said companies be required to use none but American iron for rails, chairs and spikes in the construction of their roads.

Proviso.

Remedy for stockholders objecting or dissatisfied.

SECTION 5. That if any stockholder or stockholders of any railroad, canal or slackwater navigation companies shall be dissatisfied with, or object to any of the provisions of this act, then it shall and may be lawful for any such stockholder or stockholders, within six months after the passage of this act, to apply by petition to the Court of Common Pleas of the county in which the chief office of the said companies may respectively be held, to appoint three disinterested persons to estimate and appraise the damage, if any, done to such stockholder or stockholders, and whose award, or that of a majority of them, when confirmed by the said court, shall be final and conclusive; and the person so appointed shall also appraise the share or shares of said stockholders in the said company at the full market value thereof, without regard to any depreciation in consequence of the passage of this act; and the said company may, at its election, either pay to the said holder the amount of damages so found, or the value of the stock so ascertained; and upon payment of the value of the stock as aforesaid, the said stockholders shall transfer the stock so held by him to said company, to be disposed of by the directors of said company, or be retained by them for the benefit of the remaining stockholders. And all laws inconsistent with the provisions of this act, be and the same are hereby repealed.

Repeal.

## AN ACT

RELATING TO PASSENGERS USING THE PENNSYLVANIA RAILROAD AND THE WEST CHESTER AND PHILADELPHIA RAILROAD.

*P. L. 1861, page 296. Approved April 12th, 1861.*

WHEREAS, The present mode of conveying passengers and baggage between the station of the Pennsylvania Railroad Company, at West Philadelphia, and the inner station of said company, in the city of Philadelphia, is necessarily slow and inconvenient :

Preamble.

AND WHEREAS, The said company propose to erect a passenger depot on the west side of the Schuylkill river, and it is needful, in order to accommodate the citizens of Philadelphia and the traveling public, that some more convenient and rapid means should be provided to transport passengers and baggage to and from said station, at West Philadelphia, to and from such inner stations, offices or landings, as by said company may be deemed expedient ; therefore,

SECTION 1. That it shall and may be lawful for the Pennsylvania Railroad Company to construct and lay such passenger railway tracks as to them may seem needful, from any station, office or depot, of the said company, in the city of Philadelphia, to connect with the railways of the West Philadelphia Passenger Railway Company, the Philadelphia City Passenger Railway Company, or either or both of them, by and with the consent of said companies respectively ; and to enable such convenient transportation of passengers and baggage, the Pennsylvania Railroad Company is hereby authorized to lay and construct and use, upon any street or streets, in the city of Philadelphia, any such branch or branches, with switches and sidings, as the Directors of the Pennsylvania Railroad Company may deem necessary, in order to connect their several depot stations or offices with the tracks of the city passenger railways aforesaid, or either of them, and to make such extensions or branches of both or either of said passenger railways, and to run and use the same as may be required conveniently

Authorized to lay passenger railway tracks from depot in Philadelphia, to connect with certain other railways.

Branches, sidings, &c

Further privileges o



extension and use of  
branch railway.

Authorized to run  
cars on such railways.

Contracts authorized  
with passenger rail-  
way companies.

Proviso.

Proviso.

Streets to kept in re-  
pair.

to reach the wharf or landing at which passengers from New York arrive and depart, and as may be needful for the prompt and convenient transportation of passengers and baggage to and from the Pennsylvania Railroad. And the Pennsylvania Railroad Company are hereby further authorized and empowered to run and use cars for the transportation of passengers and baggage on both or either of the passenger railways aforesaid.

SECTION 2. That the passenger railway companies aforesaid are hereby respectively authorized and empowered to make and enter into any contract or contracts with the Pennsylvania Railroad Company, or with each other, for the purpose of fulfilling the intent and provisions of this act: *Provided always*, That the tracks to be laid in pursuance of this act shall conform to the gauge of the tracks of said passenger railway companies respectively: *And provided further*, That the portions of the streets so occupied and used by the Pennsylvania Railroad Company shall be kept in good order and repair by them, and the tracks to be laid by them shall be approved by the chief engineer and surveyor of the city of Philadelphia.

## AN ACT

VACATING FILBERT STREET, IN THE TWENTY-FOURTH WARD,  
IN THE CITY OF PHILADELPHIA.

*P. L. 1861, page 298. Approved April 12th, 1861.*

SECTION 1. That Filbert street, in the Twenty-fourth Ward of the city of Philadelphia, extending from the Schuylkill river to Lancaster avenue, be and the same is hereby vacated, and the title to the soil over which the same is laid is hereby vested in the owners of the property fronting on each side of said vacated street, to the middle thereof.



## AN ACT

IN REFERENCE TO RUNNING LOCOMOTIVE ENGINES AND CARS  
ON CONNECTING RAILROADS.

*P. L. 1847, page 337. Approved March 13th, 1847.*

SECTION 1. That in all cases where two railroads in this Commonwealth, are or shall be connected, it shall be lawful for the company owning either of the said railroads, [with the consent of the company owning the other of said railroads,] to run its cars and locomotive engines upon said other railroad, and to erect water stations and other buildings, for the due accommodation of the cars and engines employed thereon: *Provided*, That nothing herein contained shall be construed Proviso. or interpreted to release or exonerate any company owning a railroad, from the obligation and duty which may be now imposed by existing laws, of transporting, subject to the rules and regulations of said companies, by locomotive steam engines, the cars whether loaded or empty, of all persons and companies, who may require such transportation over and along so much and such parts of their railroad as locomotive steam engines shall be run upon, whether they be run by the company owning the road, or by any other company.

## A SUPPLEMENT

TO AN ACT IN REFERENCE TO RUNNING OF LOCOMOTIVE ENGINES AND CARS ON CONNECTING RAILROADS, APPROVED THIRTEENTH MARCH, ONE THOUSAND EIGHT HUNDRED AND FORTY-SEVEN.

*P. L. 1859, page 290. Approved March 29th, 1859.*

SECTION 1. That the act passed the thirteenth day of March, Anno Domini one thousand eight hundred and forty-seven, entitled "An Act in reference to running of locomotive engines and cars on connecting railroads," shall be so construed as to

Proviso.

authorize companies owning any connecting railroads in the State of Pennsylvania, to enter into any leases and contracts with each other in respect to the use, management and working of their several railroads: *Provided*, That the company so contracting for, or leasing any such railroad, may have the right to fix the tolls thereon, but not at a higher rate than is authorized by the charter of either of the said railroad companies.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, November 12th, 1861.

## AN ACT

### RELATING TO CERTAIN CORPORATIONS.

*P. L. 1861, page 410. Approved April 23d, 1861.*

Proviso.

SECTION 1. That it shall and may be lawful for any railroad company created by and existing under the laws of this Commonwealth, from time to time to purchase and hold the stock and bonds, or either, of any other railroad company or companies, chartered by or of which the road or roads is or are authorized to extend into this Commonwealth; and it shall be lawful for any railroad companies to enter into contracts for the use or lease of any other railroads, upon such terms as may be agreed upon with the company or companies owning the same, and to run, use and operate such road or roads in accordance with such contract or lease: *Provided*, That the roads of the companies so contracting or leasing shall be directly, or by means of intervening railroads, connected with each other.

The foregoing act was accepted by the stockholders of the Pennsylvania Railroad Company, November 12th, 1861.











## A FURTHER SUPPLEMENT

## TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY."

*P. L. 1863, page 132. Approved March 16th, 1863.*

SECTION 1. That the annual meetings of the stockholders of the said Pennsylvania Railroad Company shall be held on the third Tuesday of February, in every year, instead of on the first Monday in February, as heretofore.

Change of time of holding annual meetings; See Sec. 4, Act April 13, 1846, p. 9; Sec. 2, Act April 26, 1850, p. 35; changed to second Tuesday of March, see Sec. 2, Act March 6, 1872, p. 145.

SECTION 2. That the directors of the Pennsylvania Railroad Company be and they are hereby authorized to add to their number, by electing from the body of the stockholders, at such time as they may determine, and annually thereafter, if they deem it expedient, an additional member, who shall act as an additional vice-president, or managing director, with such powers, and with such compensation, as the said board, by law or resolution, establish and direct.

Election of additional director to act as vice-president, authorized; See Sec. 3, Act April 13, 1846, p. 8; Sec. 3, Act March 23, 1853, p. 42; Sec. 1, Act March 17, 1869, p. 133.

SECTION 3. That the directors of the Pennsylvania Railroad Company be and they are hereby authorized to create bonds, payable at such time as they may determine upon, with coupons attached, bearing interest not exceeding six per centum per annum, to an amount sufficient to meet the necessary outlay upon any branch road to be hereafter constructed, under the provisions of the charter of the Pennsylvania Railroad Company, its supplements or laws, affecting said company; the bonds so created shall be secured by a mortgage upon the said branch road: *Provided, however,* That this section shall not be so construed as to legalize, either directly or indirectly, the act approved the seventh day of March, Anno Domini one thousand eight hundred and sixty-one, entitled "An Act for the commutation of tonnage duties."

May create bonds for construction of branch roads; and see Sec. 2, Act April 13, 1846, p. 8; Act April 13, 1854, p. 47; Sec. 3, Act May 16, 1857, p. 62; Sec. 2, Act March 21, 1866, p. 125; Sec. 2, Act March 22, 1867, p. 128; Act Dec. 29, 1869, p. 135; Sec. 1, Act Feb. 18, 1873, p. 147.

Proviso.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, April 1st, 1863; and by the stockholders of that company, February 16th, 1864.

## AN ACT

VACATING CHERRY STREET, IN THE TWENTY-FOURTH WARD  
OF THE CITY OF PHILADELPHIA.*P. L. 1863, page 169. Approved March 19th, 1863.*

SECTION 1. That Cherry street, in the Twenty-fourth Ward of the city of Philadelphia, extending from the Schuylkill river to Lehman or Thirty-first street, be and the same is hereby vacated, and the title to the soil, over which the same is laid, is hereby vested in the owners of the property fronting on each side of said vacated street, to the middle thereof.

See Sec. 2, Act April 23, 1852, p. 38; and Acts May 20, 1853, p. 44; April 22, 1856, p. 56; April 1, 1858, p. 82; March 30, 1860, p. 86, 90; April 27, 1864, p. 111.

## AN ACT

EXTENDING THE TIME FOR THE REMOVAL OF THE TRACKS  
OF THE PENNSYLVANIA RAILROAD COMPANY FROM A POR-  
TION OF LIBERTY STREET, IN THE CITY OF PITTSBURGH.*P. L. 1863, page 194. Approved April 1st, 1863.*

## Preamble.

WHEREAS, By an act of the General Assembly of Pennsylvania, approved the fifth day of April, Anno Domini one thousand eight hundred and sixty, entitled "An Act relative to the removal of the tracks of the Pennsylvania Railroad Company from a portion of Liberty street, in the city of Pittsburgh," the said railroad company was authorized to enter upon and take possession of the property abutting on said street, and as soon as conveniently may be thereafter, to remove the said track: *Provided*, That such removal shall be complete within three years after the passage of said act of assembly:

See Acts April 5, 1860, p. 91; April 20, 1864, p. 110; March 21, 1865, p. 118.

## Proviso.

AND WHEREAS, The said Pennsylvania Railroad Company have purchased the said ground and property, but by reason of the impossibility of the tenants and late owners occupying

the same, are unable to remove therefrom before the first day of April, Anno Domini one thousand eight hundred and sixty-three; therefore,

SECTION 1. That the time for the removal of the said track of said railroad from that portion of Liberty street described in the first section of said act of fifth of April, one thousand eight hundred and sixty, be and the same is hereby extended until the first day of April, Anno Domini one thousand eight hundred and sixty-four.

Time for removal of tracks from Liberty street extended.

## A FURTHER SUPPLEMENT

TO AN ACT TO INCORPORATE THE CITY OF HARRISBURG, IN  
THE COUNTY OF DAUPHIN.

*P. L. 1863, page 244. Approved April 1st, 1863.*

SECTION 1. That the plot, or draft, made out and signed by the commissioners, designated under the thirty-third section of the act to which this is a further supplement, of the streets, lanes, alleys and avenues in the city of Harrisburg, and filed in the office of the Clerk of the Court of Quarter Sessions of the County of Dauphin, on the twenty-ninth day of April, Anno Domini one thousand eight hundred and sixty-one, together with the accompanying report and profiles of the streets, et cetera, and now on file therein, be and the same are hereby ratified and confirmed and made valid, in every particular, for all legal intents and purposes whatsoever, except such parts thereof, which lay out and set apart twenty-seven acres and five perches of land for a city park, and also so much thereof, which vacates that part of the Harrisburg, Hummelstown and Ephrata turnpike road lying between Eleventh street, as laid down on said plot, and the eastern boundary line of the said city; and also, so much of aforesaid plot and report, which extends Front street to low water mark, between State street and Colder street; and also, all those streets, and

Certain draft, &c., made by commissioners confirmed.

See Sec. 24, Act March 19, 1860, p. 86; Act March 23, 1865, p. 119; Sec. 1, Act March 30, 1866, p. 125; Act March 30, 1870, p. 136.

Exceptions.

parts of streets, lanes and alleys lying, or situate as designated on said plan, or profile, within the following limits, to wit: beginning at the south-eastern corner of Seventh street and Verbeke street; thence along the eastern side of Seventh street to the southern boundary of Kelker street; thence along the said boundary of said street to the eastern side of Thompson alley; thence by the eastern boundary of said alley to the southern side of Maclay street, or Hospital avenue; thence down said Maclay street to the western side of Eighth, or Canal street; thence down said street to a point opposite the southern boundary of Verbeke street; thence by a straight line to Seventh street, the place of beginning; and excepting also, so much of said plan and report as provides for opening Peach alley, from North to Boas streets; which said excepted parts of said plot, or plan, of the city, are hereby vacated and rendered null and void and of no effect: *Provided*, That the streets, lanes and alleys laid out over the ground designated for a park, shall remain for public highways, as located on the draft aforesaid: *Provided*, That the public roads, laid out and passing over the ground designated for a park, shall remain as heretofore traveled.

Excepted parts  
vacated.

Proviso.

Proviso.

Repeal of certain  
words.

SECTION 2. That the words, "of the city of Harrisburg, or," where they occur before the words, "of said county," in the thirty-fifth section of the act to which this is a supplement, be and the same are hereby repealed and of no effect.

## AN ACT

VACATING A PART OF JONES STREET, IN THE NINTH WARD  
OF THE CITY OF PHILADELPHIA.

*P. L. 1863, page 461. Approved April 15th, 1863.*

See Acts April 28, 1864,  
p. 114; Aug. 10, 1864,  
p. 116; March 8, 1871,  
p. 141; May 12, 1871,  
p. 143.

SECTION 1. That Jones street, in the Ninth Ward of the city of Philadelphia, extending from Fifteenth street, westward two hundred and fourteen feet, be and the same is hereby



vacated, and the title to the soil, over which the same is laid, is hereby vested in the owners of the property fronting on each side of said vacated street, to the middle thereof: *Pro-Provided*, That this act shall not go into effect, until the consent of all the property holders, on so much of said street as is to be vacated by this act, is first had and obtained.

## AN ACT

RELATIVE TO TAKING CERTAIN GROUND, IN THE CITY OF  
PITTSBURGH, BY THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1863, page 512. Approved April 18th, 1863.*

SECTION 1. That full power and authority be and the same is hereby given to the Pennsylvania Railroad Company, to enter in and upon, take, use, and appropriate, for general railroad purposes, all that certain real estate, situate in the Fifth and Ninth Wards of the city of Pittsburgh, and lying on the south side of Quarry and Perry streets the same fronting on said streets, and extending southwardly therefrom to the Manor line, and for the assessment of damages, resulting from said appropriation, to the owners and occupants thereof, the said railroad company are hereby clothed with all the rights, powers, and privileges, granted in their charter of incorporation, and its supplements, and shall be subject to all the limitations, conditions, and restrictions therein contained, except that the viewers appointed by the court, under this act, shall be residents and property owners of the city of Pittsburgh.

Authorized to take  
certain real estate in  
Pittsburgh.

Assessment of  
damages.

SECTION 2. That so much of the charter of said railroad company, and its supplements, or of any other law of this Commonwealth, as forbids the taking of property, for railroad purposes, used as a dwelling house or homestead, without the consent of the owners or occupants thereof, is hereby repealed, so far as relates to the property described in the first section of this act.

Laws prohibiting the  
taking of property  
used for public wor-  
ship, dwelling, &c.,  
repealed so far as re-  
lates to said property.  
See Sec. 11, Act April  
13, 1846, p. 14; Sec. 3,  
Act March 27, 1848, p.  
28; Sec. 2, Act Feb. 17,  
1854, p. 46.

Perry street may be vacated, when.

SECTION 3. That if the said company shall acquire the lots fronting on both sides of Perry street, by purchase or otherwise, that then said street be and is hereby vacated.

## A FURTHER SUPPLEMENT

TO AN ACT RELATIVE TO THE REMOVAL OF THE TRACKS OF THE PENNSYLVANIA RAILROAD COMPANY, FROM A PORTION OF LIBERTY STREET, IN THE CITY OF PITTSBURGH, APPROVED APRIL FIFTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY.

*P. L. 1864, page 514. Approved April 20th, 1864.*

Time for removal of tracks from Liberty street further extended. See Acts April 5, 1860, p. 91; April 1, 1863, p. 106; March 21, 1865, p. 118.

SECTION 1. That all the powers and provisions of the act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act relative to the removal of the tracks of the Pennsylvania Railroad Company from a portion of Liberty street, in the city of Pittsburgh," approved April fifth, Anno Domini one thousand eight hundred and sixty, be and they are hereby revived and extended, until the first day of April, Anno Domini one thousand eight hundred and sixty-five.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.

## A FURTHER SUPPLEMENT

TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY, APPROVED THE THIRTEENTH DAY OF APRIL, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

*P. L. 1864, page 535. Approved April 23d, 1864.*

So much of charter as prohibits the passing through places of public worship not to apply to branch to connect Penna. R. R.

SECTION 1. That so much of the charter of the Pennsylvania Railroad Company as forbids the location and construction of the route of their railroad through a place of public worship,

without the consent of the owner, or owners, thereof, shall not prevent said company from passing under any place of public worship, with their tracks, by means of a tunnel, in constructing a branch railroad through the city of Pittsburgh, from their main tracks, to connect with the railroad of the Western Transportation Company, on the south side of the Monongahela river, in the county of Allegheny: *Provided, however,* That the said Pennsylvania Railroad Company, in passing under any place of public worship, as aforesaid, shall be subject to the same conditions and provisions, of their said charter, as to the giving of bond, and the assessment and payment of damages resulting from the construction of said branch road, as prescribe the mode of assessing damages for the construction of the main line of the said railroad: *Provided,* That the viewers appointed to assess damages, in any case provided for by this act, shall be resident freeholders in the city of Pittsburgh; and if, in their opinion, any such place of public worship shall be so damaged, by the construction of said tunnel, as to render it unsafe to occupy the same for the purposes intended, then the said viewers shall assess the damages at the full cash value of the buildings and lot so occupied.

with Pitts. & Steub. R. R. by a tunnel in Pittsburgh. See Sec. 11, Act April 13, 1846, p. 14; and see Act Aug. 12, 1864, p. 117.

Proviso.

Damages.

Proviso.

## AN ACT

### RELATING TO CERTAIN STREETS IN THE TWENTY-FOURTH WARD OF THE CITY OF PHILADELPHIA.

*P. L. 1864, page 615. Approved April 27th, 1864.*

SECTION 1. That such streets, and parts of streets, as lay within the boundaries of the Powelton estates, of the Pennsylvania Railroad Company, in the Twenty-fourth Ward of the city of Philadelphia, as may be designated, upon a plan to be filed, by said company, in the office of the chief engineer and surveyor of said city, as requisite to be vacated, within the limits of the property of said company, for the more convenient construction of depots, shops, and other buildings, for the use

See Sec. 2, Act April 23, 1852, p. 38; and Acts May 20, 1853, p. 44; April 22, 1856, p. 56; April 1, 1858, p. 82; March 30, 1860, p. 86, 90; March 19, 1863, p. 106.

Certain streets and parts of streets in Philadelphia to be vacated, and plan thereof to be filed.

of said company, and for the more convenient arrangement of tracks and sidings, be and the same are hereby declared to be vacated, from the time of the filing said plan, as aforesaid.

Parties injured may apply for juries to assess damages.

Award of jury.

Proviso.

Proviso.

SECTION 2. That it shall and may be lawful for any party injured thereby, if such there be, to apply for a jury, in the manner prescribed by existing laws, in force in the city of Philadelphia, in relation to the vacating of streets, and the award of such jury, when finally confirmed, shall be paid by said railroad company: *Provided*, That public notice, by advertisement, be given of the filing of said plan: *And provided, also*, That such application for a jury be made within three months after such notice is first published.

## AN ACT

RELATING TO THE WESTERN PENNSYLVANIA RAILROAD COMPANY, AND FOR OTHER PURPOSES.

*P. L. 1864, page 634. Approved April 27th, 1864.*

Authorized to sell western division of Pennsylvania Canal. See Sec. 5, Act May 16, 1857, p. 64.

SECTION 1. That it shall be lawful for the directors of the Pennsylvania Railroad Company to sell and by deed of said corporation, to convey to the Western Pennsylvania Railroad Company, or to any other railroad company incorporated by this Commonwealth, and having authority to locate a railroad in the counties of Allegheny, Armstrong, or Butler, or either of them, that may be willing to purchase the same, so much of the Western division of the Pennsylvania canal as remain vested in them, or any portion thereof, together with the right of way, easements, property, real and personal, franchises, rights and privileges, thereto in any way appertaining, on such terms as may be agreed to by the board of directors of the respective companies; and all the estate, property, corporate rights, franchises and privileges, so conveyed, shall vest

All the property, privileges, &c., to vest in purchaser.

in and be enjoyed by the purchaser, as fully and entirely as the same are now vested in the said, The Pennsylvania Railroad Company; and for the purpose of enabling the purchaser to pay therefor, and for such other purposes as the board of directors of the company so purchasing the same may deem expedient, they may increase their capital stock by the addition of twenty thousand shares, and may issue bonds to the amount of not more than one million of dollars, at a rate of interest not more than seven per centum, payable semi-annually; and may secure the same by a mortgage upon the whole or any part of the premises, real and personal estate, so conveyed, and upon the corporate franchises, rights and privileges, in any way thereto belonging, and upon the estate, real and personal, and corporate franchises acquired, or that may hereafter be acquired, and upon the railroad hereinafter mentioned, and all the estate, real and personal, corporate rights and franchises, therewith connected, acquired, or to be acquired: *Provided*, That no bond shall be issued for a less amount than one hundred dollars.

Company purchasing authorized to increase capital, and issue bonds secured by mortgage.

Proviso.

[SECTIONS 2 and 3 relate to Western Pennsylvania Railroad Company.]

SECTION 4. That all acts hereby supplied, or inconsistent herewith, are hereby repealed: *Provided*, That nothing contained in this act shall be construed so as to release the Pennsylvania Railroad Company, which became the purchaser from the State, under the provisions of the act for the sale of the main line of the public works, approved May sixteenth, one thousand eight hundred and fifty-seven, or the corporation purchasing or leasing said canal, under the provisions of this act, from any of the duties or obligations imposed upon said company by the provisions of said act for the sale of the main line.

Repeal.

Proviso.

Construction of this Act, relative to.



## AN ACT

VACATING WHARF STREET, IN THE SECOND AND THIRD WARDS,  
OF THE CITY OF PHILADELPHIA.*P. L. 1864, page 614. Approved April 27th, 1864.*

See Acts April 18, 1866,  
p. 54; March 21, 1865,  
p. 119; April 4, 1865,  
p. 122; May 15, 1871,  
p. 144; May 25, 1871,  
p. 144; March 7, 1873,  
p. 148; March 12, 1873,  
p. 149; June 6, 1873,  
p. 152.

SECTION 1. That that part of Wharf street, in the Second and Third Wards of the city of Philadelphia, extending from Queen to Washington streets, be, and the same is, hereby vacated; and that the title of the owners of property, fronting on each side of the said vacated street, shall extend to, and include, the portions of the soil of the said street, intervening between the front lines of their respective lots, and the middle of the said street.

## AN ACT,

## RELATING TO THE SITE OF A PROPOSED RAILROAD DEPOT.

*P. L. 1864, page 650. Approved April 28th, 1864.*

Relative to the taking  
of certain properties  
by the Company for  
depot purposes in  
Philadelphia.

See Acts April 15, 1863,  
p. 108; Aug. 10, 1864,  
p. 116; March 8, 1871,  
p. 141; May 12, 1871,  
p. 143.

SECTION 1. That it shall and may be lawful for the Pennsylvania Railroad Company to exercise any and all the privileges, rights, authorities and powers, conferred upon said company, by its charter, or by any act supplementary to its charter, having relation to the taking of property, for depot and other uses of said road, for the purpose of providing a depot, or depots, for the business of said road, or of other roads, whereof said company is lessee, or in which said company is in any way interested, upon premises situate on the north side of Market street, and extending to the south side of Filbert street, and upon the west side of Fifteenth street, and thence westwardly to the eastern line of the property of the Western Market Company, and of the State Arsenal, in the city of Philadelphia.

SECTION 2. The powers hereby conferred, may be exercised upon any or all of the separate lots, or pieces of ground, or premises, situate within the limits, or boundaries, mentioned in the preceding section, and fronting upon either of the streets named therein, or fronting upon any street passing within said boundaries; and they shall be exercised in the way and manner, and subject to the limitations and provisions regulating the manner of exercising such powers, contained in the charter of said company, and in the supplements thereto: *Provided*, That the viewers, under the above act, be disinterested freeholders, and residents of the city of Philadelphia.

How powers conferred in reference thereto may be exercised.

Proviso.

Damages.

SECTION 3. That all acts, or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repeal.

## AN ACT

### RELATING TO CERTAIN CANALS.

*P. L. 1864, page 725. Approved May 3d, 1864.*

SECTION 1. That it is the true intent and meaning of the fifth section of the act, entitled "An Act for the sale of the main line of the public works," approved May sixteenth, eighteen hundred and fifty-seven, and the Commonwealth, by said section, does require the purchasers of the main line to keep the canals, referred to in said section, in a condition of repair and fitness for use, which shall, at all times, during seasons of navigation, be equal to, and not inferior to, the condition of repair and fitness for use, in which the same were at the time the Commonwealth delivered the same into the purchasers' possession.

Purchasers of main line required to keep canals in condition equal to that in which they were when delivered to them by the State.  
See Sec. 5, Act May 16, 1857, p. 64.

## AN ACT

RELATING TO HAMILTON AND THIRTY-FIRST STREETS, IN THE  
TWENTY-FOURTH WARD OF THE CITY OF PHILADELPHIA.

*P. L. 1864, page 951. Approved July 7th, 1864.*

Certain streets in  
Philadelphia vacated.

SECTION 1. That so much of Hamilton street as lies between Mansion street and Bridgewater, or Thirtieth street, and so much of Thirty-first street as lies between the Powelton estate, of the Pennsylvania Railroad Company, and Hamilton street, in the Twenty-fourth Ward of said city of Philadelphia, be and the same are hereby vacated.

Damages.

SECTION 2. That it shall and may be lawful for any party injured thereby, if such there be, to apply for a jury, in the manner prescribed by existing laws, in force in the city of Philadelphia, in relation to the vacating of streets; and the award of such jury, when finally confirmed, shall be paid by said Pennsylvania Railroad Company: *Provided*, That public notice of the closing of the parts of said streets hereby vacated, be given, by advertisement in three newspapers published in said city: *And provided, also*, That such application for a jury be made within three months after such notice is first published.

Award to be paid by  
P. R. R. Company.  
Proviso.

Proviso.

## A SUPPLEMENT.

TO AN ACT RELATING TO THE SITE OF A PROPOSED RAILROAD  
DEPOT, APPROVED APRIL TWENTY-EIGHTH, ONE THOUSAND  
EIGHT HUNDRED AND SIXTY-FOUR.

*P. L. 1864, page 1035. Approved August 10th, 1864.*

See Acts April 15, 1863,  
p. 108; April 28, 1864,  
p. 114; March 8, 1871,  
p. 141; May 12, 1871,  
p. 143.

SECTION 1. That the act to which this is a supplement shall be construed to mean, that all properties within the boundaries specified in said act, shall be taken for the purposes of said depot, however the same may be occupied or owned, full compensation being made therefor, in the manner provided in said act; and all acts, or parts of acts, inconsistent with this act, be and the same are hereby repealed.

## A SUPPLEMENT.

TO AN ACT APPROVED APRIL TWENTY-THIRD, EIGHTEEN HUNDRED AND SIXTY-FOUR, ENTITLED "A FURTHER SUPPLEMENT TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY," APPROVED THE THIRTEENTH DAY OF APRIL, EIGHTEEN HUNDRED AND FORTY-SIX.

*P. L. 1864, page 963. Approved August 12th, 1864.*

SECTION 1. That so much of the said act, to which this is a supplement, as refers to the railroad of the Western Transportation Company, be so amended as to read in lieu thereof, to connect with the railroad tracks of the Pittsburgh and Steubenville Railroad Company; and if the viewers, appointed to assess damages, under the provisions of said act, should determine to appraise the value of the buildings and the lot, or lots, connected therewith, then and in that event, the present owners shall convey the same, by deed in fee, to the Pennsylvania Railroad Company, upon payment of the damages so awarded, after final confirmation by the court; all parts of said act, to which this is a supplement, inconsistent with this act, be and the same are hereby repealed.

See Act April 23, 1864, p. 110.

Damages.

Owners of certain property to convey to P. R. R. Company in certain case.

Repeal.

## AN ACT

TO AUTHORIZE THE CHIEF ENGINEER AND SURVEYOR OF THE CITY OF PHILADELPHIA TO REVISE THE GRADES OF CERTAIN PORTIONS OF BRIDGEWATER STREET, IN THE TWENTY-FOURTH WARD OF THE CITY OF PHILADELPHIA.

*P. L. 1865, page 419. Approved March 17th, 1865.*

SECTION 1. That the chief engineer and surveyor of the city of Philadelphia be and he is hereby authorized and directed to revise the grade of Bridgewater street, between Market and Bridge streets, in the Twenty-fourth Ward of the city of Philadelphia, in such way and manner as will permit the free use, for railroad purposes, of the front on the river Schuylkill,

Chief Engineer authorized to revise the grade of Bridgewater street.

Report to be filed.

Proviso.

between said Market and Bridge streets, and of the wharf or wharves that may be erected on the same; and when said revision shall have been made, the said chief engineer and surveyor is hereby further directed to make and file a report thereof, in the office of the Court of Common Pleas of the City and County of Philadelphia: *Provided*, That the city of Philadelphia shall be at no expense for said revision.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.

## A FURTHER SUPPLEMENT

TO AN ACT RELATING TO THE REMOVAL OF THE TRACKS OF THE PENNSYLVANIA RAILROAD COMPANY FROM A PORTION OF LIBERTY STREET, IN THE CITY OF PITTSBURGH, APPROVED APRIL FIFTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY.

*P. L. 1865, page 466. Approved March 21st, 1865.*

Time for removal of tracks from Liberty street further extended. See Acts April 5, 1860, p. 91; April 1, 1863, p. 106; April 20, 1864, p. 110.

SECTION 1. That all the powers and provisions of the act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act relating to the removal of the tracks of the Pennsylvania Railroad Company, from a portion of Liberty street, in the city of Pittsburgh," approved April fifth, Anno Domini one thousand eight hundred and sixty, be and they are hereby revived and extended, until the first day of April, Anno Domini one thousand eight hundred and sixty-six.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.



## AN ACT

TO VACATE SO MUCH OF CARPENTER STREET AS LIES WEST OF  
TWENTY-SIXTH STREET, IN THE CITY OF PHILADELPHIA.

*P. L. 1865, page 452. Approved March 21st, 1865.*

See Acts April 18, 1856,  
p. 54; April 27, 1864,  
p. 114; April 4, 1865,  
p. 122; May 15, 1871,  
p. 144; May 25, 1871,  
p. 144; March 7, 1873,  
p. 148; March 12, 1873,  
p. 149; June 6, 1873,  
p. 152.

SECTION 1. That so much of Carpenter street, as lies west of  
Twenty-sixth street, and east of the Schuylkill river, in the  
Twenty-sixth Ward of the city of Philadelphia, be and the  
same is hereby vacated.

## AN ACT

TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF HARRIS-  
BURG TO VACATE STREETS AND ALLEYS, OR PARTS OF STREETS  
AND ALLEYS, IN SAID CITY, FOR THE BETTER ACCOMMODA-  
TION OF THE PASSENGER TRAVEL, BY RAILROAD THROUGH  
SAID CITY.

Repealed by Sec. 2,  
Act March 30, 1870, p.  
136.

*P. L. 1865, page 584. Approved March 23d, 1865.*

SECTION 1. That the Common Council of the City of Harris-  
burg be and they are hereby authorized to vacate such streets  
and alleys, or parts of streets and alleys, in said city, upon  
such terms and conditions as may be agreed upon with the  
Pennsylvania Railroad Company, as in the judgment of said  
parties may be needful, to provide suitable depots and other  
accommodations for the passenger travel, by railroad, of and  
through said city.

Council of Harris-  
burg authorized to  
vacate certain streets  
and alleys.

See Sec. 24, Act March  
19, 1860, p. 86; Act  
April 1, 1863, p. 107;  
Sec. 1, Act March 30,  
1866, p. 125; Act March  
30, 1870, p. 136.

SECTION 2. That for the purpose of carrying into effect the  
provisions of the foregoing section, the said Council is hereby  
authorized to make such contract, or contracts, as may be  
necessary; all of which shall be duly recorded in the recorder's  
office of the county of Dauphin.

May make contracts  
in relation thereto.

SECTION 3. Any owner, or owners, of real estate, who may  
sustain damage by reason of such vacating of any street or  
alley, or any part of the same, may apply to the court of

Damages, how to be  
assessed.

Dauphin county, and have the same assessed, in the manner provided for the assessment of damages, in the act incorporating the Pennsylvania Railroad Company, and its supplements; which said damages, when so ascertained and confirmed by the said court, or amicably agreed upon between the parties interested, shall be paid by the Pennsylvania Railroad Company, to the person or persons legally entitled thereto.

To be paid by P. R. R. Company.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.

## AN ACT

TO AUTHORIZE RAILROAD COMPANIES, WHOSE LINES REACH NAVIGABLE STREAMS, TO ERECT DOCKS, PIERS OR WHARVES THEREIN, AND TO TAKE PRIVATE PROPERTY FOR SUCH PUBLIC USE, ON COMPENSATION, AND RATIFYING THE PURCHASE OF THE SAME.

*P. L. 1865, page 33. Approved March 23d, 1865.*

SECTION 1. That it may be lawful, for any railroad company, chartered by this Commonwealth, the line of whose road crosses or reaches any navigable streams, to erect, in such stream, such docks, wharves and piers, as may, by them, be deemed needful, for the accommodation of the public, and the business thereof; and for such purpose, such companies may, from time to time, purchase, or take and hold, any lands, wharves, docks or piers, giving security, and making compensation to the owners thereof, in the manner provided by the act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine, and all supplements thereto: *Provided, always,* That the navigation of such rivers or streams shall not be impeded by the construction of such docks, piers or wharves, and that the same shall not be constructed in the rivers Delaware or Schuylkill, at the city of Philadelphia, without the license and authority of the board of wardens of the said city of Philadelphia, and in

Proviso.











the way and manner now authorized by law; and all purchases, heretofore made, by any railroad company, for such purpose or purposes, be and the same are hereby ratified and confirmed.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.

## AN ACT

TO AUTHORIZE A CHANGE OF THE GRADE OF BRIDGE STREET,  
IN THE TWENTY-FOURTH WARD, PHILADELPHIA, AT THE  
CROSSING OF THE PENNSYLVANIA RAILROAD.

*P. L. 1865, page 643. Approved March 23d, 1865.*

SECTION 1. That the chief engineer and surveyor of the city of Philadelphia be and he is hereby authorized and directed to prepare a plan, and proceed to change the grade line of Bridge street, in the Twenty-fourth Ward of the city of Philadelphia, at the crossing of the Pennsylvania Railroad, so that said street may pass either under or above the railroad: *Provided*, That the plan be submitted to, and be approved by, the board of surveyors of the city of Philadelphia; and that all the expenses incurred in making such change, and putting said street in as good condition as it now is, shall be paid by the Pennsylvania Railroad Company.

Chief Engineer authorized to change the grade of Bridge street.

Proviso.

SECTION 2. Said work shall commence as soon as the chief engineer receives official notification from said railroad company that it is ready to comply with the provisions of the first section of this act.

When work to be commenced.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.

## AN ACT

VACATING CERTAIN STREETS, ROADS AND LANES, IN THE FIRST  
WARD OF THE CITY OF PHILADELPHIA.*P. L. 1865, page 819. Approved April 4th, 1865.*

Parts of Greenwich  
Point road and Jones'  
lane vacated.  
See Acts April 18, 1856,  
p. 54; April 27, 1864,  
p. 114; March 21, 1865,  
p. 119; May 15, 1871,  
p. 144; May 25, 1871,  
p. 144; March 7, 1873,  
p. 148; March 12, 1873,  
p. 149; June 6, 1873,  
p. 152.

Provido.

SECTION 1. That Greenwich Point road and Jones's lane, wherever the same extend through, or into, the property owned, or which may be acquired, within six months from the passage of this act, by the Pennsylvania Railroad Company, in the First Ward of the city of Philadelphia, be and the same are hereby vacated; and no street shall hereafter be opened into, or through, the said property, acquired, or to be acquired, as aforesaid, by the said company, at, or near, the present Delaware terminus of their said road, without the consent, in writing, of said company: *Provided*, That Greenwich Point road and Jones's lane shall not be closed, until a street, parallel with the river Delaware, and westwardly of the limits of the said property, acquired, or to be acquired, and connecting the said Jones's lane with the Greenwich Point road, shall have been opened, and put in fit condition for public use, without expense to the city of Philadelphia.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.

## AN ACT

AUTHORIZING THE PURCHASE BY RAILROAD COMPANIES OF  
BRANCH OR CONNECTING ROADS.*P. L. 1865, page 852. Approved June 21st, 1865.*

SECTION 1. That when any railroad shall be sold and conveyed, by virtue of any mortgage, or deed of trust, or under and by virtue of any process, or decree, of any court of this State, or of the Circuit Court of the United States, it may be

lawful for any company, of which the railroad connects therewith, to purchase and pay for the same, to issue their own stock, for such amount as the purchasers may deem the full and fair value thereof, and to hold and enjoy the railroad, so purchased, with all the rights, privileges and franchises, and with the same rights to charge for tolls, transportation and car service, and subject to the same restrictions, as were held, enjoyed and limited by, and in respect to, the company, of which the road may be so sold.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.

## AN ACT

RELATING TO THE USE OF TUNNELS AND BRIDGES BY RAILROAD COMPANIES.

*P. L. 1865, page 849. Approved June 21st, 1865.*

WHEREAS, Railroad companies incorporated by, or authorized to run within, the State of Pennsylvania, have erected and constructed, or may erect and construct, for the use of their roads, bridges and tunnels, and at an expense vastly beyond the proportionate cost of a like distance of any other part of their lines : Preamble.

AND WHEREAS, Other railroad companies have, or may be authorized to connect their roads with, and use, the railroads of the company, so constructing such tunnels, or bridges :

AND WHEREAS, It is proper that the companies, so using, should pay, for such use, a sum, in some degree proportionate to the cost of such tunnel, or bridge, so used ; therefore,

SECTION 1. That in each and every case, in which any railroad company has been, or is, authorized to connect with, and use, the railroad of any other company, and in the exercise of

such right, shall use any bridge, or tunnel, constructed by any other railroad company, then, and in each and every such case, it shall be lawful for the company, the road, bridge, or tunnel, of which it is so used, to charge a sum equal to one-half the interest, at the rate of seven per cent. per annum, upon the cost of the bridge, tunnel, and part of the road, so used, and one-half of the cost of repairing, working and maintaining the same: *Provided always*, That if the company, so using the said roadway, bridge, or tunnel, shall transport, or have transported, thereon, a greater amount of freight and passengers than are transported thereon, by the company owning the same, then, and in such case, it shall be lawful for the company, so owning such roadway, bridge, or tunnel, to require payment of such amount of interest, at the rate aforesaid, and of the expenses of repairing, working and maintaining the same, as shall be in proportion to the amount of business, so done thereon, by the company using the same: *And provided further*, That nothing, herein contained, shall be construed to affect the right of any company to enter into a contract, with respect to such use, nor to affect any contract already made.

Proviso.

Proviso.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, September 6th, 1865.

## A FURTHER SUPPLEMENT

TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY, AUTHORIZING AN INCREASE OF CAPITAL STOCK, AND TO BORROW MONEY.

*P. L., 1866, page 263. Approved March 21st, 1866.*

SECTION 1. That the board of directors of the Pennsylvania Railroad Company shall have authority to increase, from time to time, the capital stock of the company; such increase not to exceed two hundred thousand shares.

Capital stock may be increased by 200,000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

Repealed by 1, Act March 1867, p. 127.



SECTION 2. That the board of directors of the Pennsylvania Railroad Company, for the purpose of retiring their present mortgage bonds at maturity, increasing their motive power and cars, and providing suitable facilities along the line of their road, and at Philadelphia and Pittsburgh, for the reception and accommodation of travelers, and storage of freight, and for other purposes necessary for, and connected with, the business of said company, be and they are hereby authorized to borrow, from time to time, such sums of money as they may deem needful, and to issue bonds therefor, in sums of not less than one hundred dollars, with coupons attached, bearing interest at the rate of six per centum per annum, and to secure the same by a mortgage of their railroad constructed, or to be constructed, and all their property, real and personal, acquired, or to be acquired, and all their corporate rights and franchises: *Provided*, That the amount of loans, hereby authorized, shall not, at any time, exceed the amount of capital stock paid in.

May borrow money and issue bonds therefor, and see Sec. 2, Act April 13, 1846, p. 8; Act April 18, 1854, p. 47; Sec. 3, Act May 16, 1857, p. 62; Sec. 3, Act March 16, 1863, p. 105; Sec. 2, Act March 22, 1867, p. 128; Act Dec. 29, 1869, p. 135; Sec. 1, Act Feb. 18, 1873, p. 147.

Proviso.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, April 4th, 1866.

## A FURTHER SUPPLEMENT

TO THE ACT TO INCORPORATE THE CITY OF HARRISBURG, IN  
THE COUNTY OF DAUPHIN.

*P. L. 1866, page 365. Approved March 30th, 1866.*

SECTION 1. *And it is further enacted*, That Thomson alley, and all parts of streets and alleys as laid out by the above-mentioned commissioners, between said Thomson alley and Seventh street, as above laid out, below Maclay street, are hereby vacated.

See Sec. 24, Act March 19, 1860, p. 86; Acts April 1, 1863, p. 107; March 23, 1865, p. 119; March 30, 1870, p. 136.

## AN ACT

AUTHORIZING THE PENNSYLVANIA RAILROAD COMPANY, THE HARRISBURG, PORTSMOUTH, MOUNT JOY AND LANCASTER RAILROAD COMPANY, AND THE READING AND COLUMBIA RAILROAD COMPANY, TO CONSTRUCT AND BUILD A BRIDGE FOR PUBLIC CONVENIENCE, OVER THEIR RESPECTIVE RAILROAD TRACKS, AT THE CROSSING OF THE PUBLIC ROAD, LEADING FROM THE LANCASTER AND LITIZ TURNPIKE ROAD TO THE LANCASTER AND HARRISBURG TURNPIKE ROAD, IN THE VILLAGE OF DILLERVILLE, IN MANHEIM TOWNSHIP, LANCASTER COUNTY.

*P. L. 1866, page 798. Approved April 11th, 1866.*

SECTION 1. That within one year from and after the passage of this act the Pennsylvania Railroad Company, the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, and the Reading and Columbia Railroad Company are hereby authorized to construct and build a joined and continuous substantial bridge, for public convenience, across their several railroad tracks, at the crossing of the public road leading from the Lancaster and Litiz turnpike to the Lancaster and Harrisburg turnpike road, in the village of Dillerville, Manheim township, in the county of Lancaster.

## AN ACT

TO REPEAL AN ACT ENTITLED "A FURTHER SUPPLEMENT TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY, AUTHORIZING AN INCREASE OF CAPITAL STOCK, AND TO BORROW MONEY," APPROVED THE TWENTY-FIRST DAY OF MARCH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX, AND ALSO TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY, BY THIS ACT, TO INCREASE ITS CAPITAL STOCK, TO ISSUE BONDS, AND TO SECURE THE SAME BY MORTGAGE.

*P. L. 1867, page 528. Approved March 22d, 1867.*

SECTION 1. That the act, entitled "A further supplement to the act incorporating the Pennsylvania Railroad Company, authorizing an increase of capital stock, and to borrow money," approved the twenty-first day of March, Anno Domini one thousand eight hundred and sixty-six, be and the same is hereby repealed: *Provided however*, That no rights, that shall have been acquired by virtue of the same, shall be, in any manner, affected by such repeal: *And provided further*, That nothing contained in this act shall authorize the Pennsylvania Railroad Company, to issue more than three hundred thousand shares of stock, in addition to that which the said company, might legally have issued, prior to the passage of the said act of March twenty-first, one thousand eight hundred and sixty-six.

Repeal.

See Act March 21, 1866, p. 124.

Proviso.

Proviso.

SECTION 2. That for the purpose of retiring the present indebtedness of the Pennsylvania Railroad Company, whether by bond, or otherwise, and providing the facilities required by the increase of the business of said company, upon its road and connections, and the management and operation of the same, it shall be lawful for the said company, from time to time, to issue, not exceeding three hundred thousand additional shares of capital stock of said company; but the board of directors shall not have the power to issue all, or any part, of said stock, unless they are authorized so to do, by a resolution of the stockholders, passed at any regular, or special, meeting, due notice of said proposed increase having first been given to

Capital stock may be increased by 300,000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

Apportionment of shares.

May issue bonds; and see Sec. 2, Act April 13, 1846, p. 8; Act April 18, 1854, p. 47; Sec. 3, Act May 16, 1857, p. 62; Sec. 3, Act March 16, 1863, p. 105; Sec. 2, Act March 21, 1866, p. 125; Act Dec. 29, 1869, p. 135; Sec. 1, Act Feb. 18, 1873, p. 147.

Proviso.

Mortgages to be recorded in Philadelphia.

the stockholders before the meeting is held, at which any increase of stock may be granted, and to apportion, or dispose of, the said shares, in such a manner and upon such terms as they may think best, and also for either, or all, of the said purposes, to issue, from time to time, bonds of the said company, payable at such time as they may appoint, bearing interest, at a rate not exceeding six per cent. per annum, with, or without, provision for the payment, by the company, of any, or all, taxes on the principal, or interest, thereof, and to secure the said bonds by one, or more, mortgages of the whole, or any portion, of the railroad's estate, real and personal, and corporate rights and franchises acquired, and to be acquired, of the said company: *Provided however*, That no bond, or bonds, shall, at any time, be issued in excess of the amount of the capital stock of the said company outstanding, at the time of such issue; but any such mortgage, or mortgages, may, at the option of and to the amount fixed by the said company, be made to secure, with the same rights, lien and privileges, bonds which a subsequent increase of capital stock, may enable the said company to issue, as well as to those, which may lawfully be issued, at the date of the execution of said mortgage.

SECTION 3. That any mortgage, or mortgages, executed and delivered, as authorized by this act, shall be recorded in the office of the recorder of deeds, for the city and county of Philadelphia; and shall, thereupon, without further record, be a lien on the property mortgaged, wherever situated, as fully and effectually as if it had been recorded in each of the several counties, in which the mortgaged premises, or any part thereof, are, or may be, situated.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, April 3d, 1867; and such acceptance was ratified by the stockholders of that company, April 30th, 1867.



## A FURTHER SUPPLEMENT

TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY, APPROVED APRIL THIRTEENTH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX, AUTHORIZING THE PENNSYLVANIA RAILROAD COMPANY TO CONSTRUCT ADDITIONAL RAILROAD TRACKS, SIDINGS, DEPOTS, WORKSHOPS AND OTHER APPURTENANCES, ALONG, ADJOINING, OR CONTIGUOUS TO, THEIR OWN LINE OF RAILROAD, AND THE RAILROADS NOW OWNED AND LEASED, OR HEREAFTER TO BE OWNED AND LEASED, BY THEM, AND TO STRAIGHTEN AND IMPROVE THE SAME, AND TO ACQUIRE THE PROPERTY UPON WHICH TO CONSTRUCT THE SAME, PAYING THEREFOR THE VALUE OF PROPERTY TO BE USED, OR OCCUPIED.

*P. L. 1867, page 993. Approved April 10th, 1867.*

SECTION 1. That the Pennsylvania Railroad Company be and they are hereby authorized and empowered, from time to time, as they may deem necessary, to construct and use, along, adjoining, or contiguous to, their lines of railroad, or the line of railroads now owned, or leased, or that may hereafter be owned, or leased, by them, additional tracks, sidings, depots, turn-outs, water-ways, work-shops and other appurtenances requisite and needful for the prosecution of their business, and for the accommodation and transportation of the trade and traffic over and upon the said railroads; and they are hereby also authorized and empowered to straighten and improve the said lines of railroads, and to construct the needful appurtenances thereto; and for all, or any, of such purposes, the company shall and may enter upon, acquire, take and appropriate such lands, tenements and property along, adjoining, or contiguous to, said railroads, or elsewhere, that they may deem necessary, for the purpose of straightening, or improving, of the said railroads, and constructing the needful appurtenances thereto: *Provided however,* That when the said Pennsylvania Railroad Company cannot agree with the owner, or owners, or persons representing the owner, or owners, of such lands, tenements and property, as aforesaid, upon the price of the same, or the compensation to be paid for the damage done, or

*Proviso.*



likely to be done, or sustained, then the same shall be appropriated, and the damages ascertained and determined, in like manner as provided for and authorized in section four of the act of assembly, entitled "A further supplement to an act to incorporate the Pennsylvania Railroad Company, passed April thirteenth, Anno Domini one thousand eight hundred and forty-six," approved March twenty-seventh, Anno Domini one thousand eight hundred and forty-eight, and section one of the act of assembly, entitled "A further supplement to the act incorporating the Pennsylvania Railroad Company," approved April twenty-sixth, Anno Domini one thousand eight hundred and fifty; and all laws, or parts of laws, inconsistent herewith, be and the same are hereby repealed.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, June 26th, 1867.

## AN ACT

TO REGULATE THE CARRIAGE OF BAGGAGE BY RAILROAD COMPANIES, AND TO PRESCRIBE THE DUTIES AND OBLIGATIONS OF CARRIERS AND PASSENGERS IN RELATION THERETO.

*P. L. 1867, page 69. Approved April 11th, 1867.*

Baggage allowed  
passenger, relative to.

SECTION 1. That each passenger upon a railroad, shall have the right to have carried, in the car, or place, provided for that purpose, in the train in which he, or she, may be a passenger, his, or her, personal clothing, not exceeding, inclusive of the trunk, or box, in which it may be contained, one hundred pounds in weight, and three hundred dollars in value.

Liability for loss or  
damage to baggage.

SECTION 2. That no railroad company shall, under any circumstances, be liable for loss, or damage, to any baggage, or property, belonging to any such passenger, beyond the said sum of three hundred dollars, unless it shall be proven that the excess in value thereof, over that sum, was truly declared to the agents of the company, at the time of its delivery for transportation, and the sum charged by the railroad company

for such transportation, over and above passage fare, was paid: *Provided however*, That the said declaration shall not relieve the claimant, from proving the actual value of the articles alleged to have been lost, or damaged; but in no event shall there be any recovery beyond the value thus declared. Proviso.

SECTION 3. That no railroad company providing a car, or other place, for the deposit of passengers' baggage, shall, under any circumstances, be liable for loss of, or damage to, any articles, or property, whatsoever, not there deposited by the passenger, or which are placed by him, or her, in the car in which he, or she, is to be transported. When not liable.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, April 15th, 1868.

## AN ACT

RELATING TO RAILROAD COMPANIES AND COMMON CARRIERS,  
DEFINING THEIR LIABILITIES, AND AUTHORIZING THEM TO  
PROVIDE MEANS OF INDEMNITY AGAINST LOSS OF LIFE AND  
PERSONAL INJURY.

*P. L. 1868, page 58. Approved April 4th, 1868.*

SECTION 1. That when any person shall sustain personal injury or loss of life while lawfully engaged or employed on or about the roads, works, depots and premises of a railroad company, or in or about any train or car therein or thereon, of which company such person is not an employee, the right of action and recovery in all such cases against the company shall be such only as would exist if such person were an employee: *Provided*, That this section shall not apply to passengers. Right of action and recovery for personal injury or loss of life.

SECTION 2. That in all actions now or hereafter instituted against common carriers or corporations owning, operating or using a railroad as a public highway, whereon steam or other Limitation of amount recoverable.

motive power is used, to recover for loss and damage sustained and arising either from personal injuries or loss of life, and for which, by law, such carrier or corporation could be held responsible, only such compensation for loss and damage shall be recovered as the evidence shall clearly prove to have been pecuniarily suffered or sustained, not exceeding, in case of personal injury, the sum of three thousand dollars, nor in case of loss of life, the sum of five thousand dollars.

SECTION 3. That it shall be lawful for such carrier or corporation to insure the lives and persons of passengers against loss or injury from accidental causes, and however happening while in their charge, and for that purpose to issue and sell to such passengers applying for the same tickets or policies of insurance, specifying the name of the insured, the premium charged, the particular trip or time covered by the policy, and the amount insured, not exceeding (except at the option of the said carrier or corporation) the sum of twenty-five dollars for each week of disability, for a period not longer than twenty-six weeks in case of personal injury, nor more than ten thousand dollars in case of death; and all premiums so received shall be kept separate and apart from the other receipts of said carrier or corporation, and shall not be liable for any other claim, debt or demands against such carrier or corporation than those arising out of said policies; and the amount of said premium, and the securities in which the same are invested for the benefit and protection of such policy holders, shall be reported to the Auditor General annually, as a part of the operations of such carrier or corporation, as is now provided for by the act, entitled "An Act requiring railroad companies to make uniform reports to the Auditor General," approved the fourth day of April, one thousand eight hundred and fifty-nine: *Provided, nevertheless,* That it shall be lawful for any such carrier or corporation, in lieu of issuing tickets of insurance as aforesaid, to keep on sale at their ticket office the policies of insurance or indemnity against personal injury or death resulting from accidental causes, issued by insurance companies incorporated for any such purposes, as shall have an actual *bona fide* cash capital, invested in securities approved by the Governor, State Treasurer and Auditor General of this

Authorized to insure  
lives and persons of  
passengers.

Premiums to be kept  
separate from other  
receipts.

Amount of pre-  
miums, &c., to be  
reported to the  
Auditor General.

Proviso.

Commonwealth of at least two hundred thousand dollars :  
*Provided*, That a recovery upon any policy issued or sold  
 under the provisions of this act shall be no bar to a recovery  
 under the provisions of the second section of this act.

Proviso.

SECTION 4. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed ; and any provisions in the acts incorporating such common carriers or corporations, inconsistent herewith, shall be repealed upon the acceptance of the provisions of this act by such carriers or corporations ; and upon the acceptance of the provisions hereof, by any carrier or corporation, the same shall become a part of its act of incorporation.

Repeal of acts inconsistent herewith.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, April 15th, 1868.

## AN ACT

TO AUTHORIZE AN INCREASE IN THE NUMBER OF DIRECTORS OR MANAGERS OF RAILROAD COMPANIES; AND TO GIVE STOCKHOLDERS THE POWER TO LOCATE THE GENERAL OFFICE OF SUCH COMPANIES.

*P. L. 1869, page 11. Approved March 17th, 1869.*

SECTION 1. That the directors or managers of any railroad company incorporated by or under the laws of this Commonwealth, be and they are hereby authorized to add to their number, by selecting from the body of the stockholders, from time to time, an additional member or members, who shall act as a vice-president or additional vice-president of such corporation, and who shall have such powers and receive such compensation as the board of directors or managers by its by-laws or by resolution may establish and direct: *Provided*, however, That the number of directors or managers of such corporation shall not be thereby increased beyond seventeen.

Increase in number of directors authorized: see Sec. 3, Act April 13, 1846, p. 8; Sec. 3, Act March 23, 1853, p. 42; Sec. 2, Act March 16, 1863, p. 105.

Proviso.



Stockholders may  
determine location of  
general office, &c.

Proviso.

Proviso.

SECTION 2. That it shall be lawful for any such corporation, by resolution of its stockholders, to determine where the general office of such company shall be located, and where the meetings of its board of directors or managers, and also the meetings of its stockholders, and where also its elections for directors or managers shall be held: *Provided always*, That no place shall be selected which is not within the limits of this Commonwealth: *And provided also*, That this act shall only apply to such railroad corporations as shall by resolution of its president and board of directors or managers duly accept the same.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, March 31st, 1869.

## AN ACT

TO AUTHORIZE THE SELECT AND COMMON COUNCILS OF THE CITY OF PITTSBURGH TO VACATE STREETS AND ALLEYS IN SAID CITY.

*P. L. 1869, page 965. Approved April 15th, 1869.*

Councils authorized  
to make certain con-  
tracts.

SECTION 1. That the Select and Common Councils of the City of Pittsburgh be and are hereby granted full power and authority to make and enter into a contract or contracts with the Pennsylvania Railroad Company, the Pittsburgh, Fort Wayne and Chicago Railway Company, and the Allegheny Valley Railroad Company, or either of them, or Pittsburgh and Connellsville Railroad Company, whereby public travel may be rendered more safe in said city, and the depot property of the said companies, or either of them, may be enlarged and made to afford greater facilities for the receipt and shipment of merchandize, and the general comfort of the traveling public.

May vacate streets  
and alleys. See Sec.  
2, Act April 5, 1860,  
p. 92.

SECTION 2. That said councils, for the purpose of enabling said contract or contracts to be carried out, shall have and are hereby given authority to vacate and close up the whole or



any portion of any streets or alleys in said city, and generally to do such acts and pass such ordinances as they deem expedient for the purposes aforesaid: *Provided, however,* That no street or alley, or portion of the same, as aforesaid, shall be vacated or closed up, unless the said companies, or either of them, shall first acquire, by purchase or otherwise, the property fronting on both sides of the street or alley, or such portions thereof that may be vacated or closed up.

Proviso.

## AN ACT

### AUTHORIZING CORPORATIONS TO INCREASE THEIR BONDED OBLIGATIONS AND CAPITAL STOCK.

*P. L. 1870, page 1374. Approved December 29th, 1869.*

SECTION 1. That it shall and may be lawful for any corporation, created by or existing under the laws of this Commonwealth, to increase its bonded obligations and secure the same by mortgage, and also to increase its capital stock from time to time, to any amount not exceeding fifty per cent. of the amounts heretofore authorized, and to sell or dispose of the same on such terms and conditions as to said corporation may seem proper: *Provided, however,* That this act shall not apply to any corporation until it is duly accepted by it, whereupon it shall be taken and deemed to be a part of its act of incorporation, and be made under its authority; and a certificate, duly attested by the president and treasurer of said company, under its corporate seal, setting forth the acceptance of the act, with the amounts and character of the increase, shall be filed in the Auditor General's office of the Commonwealth, and a copy thereof filed with the Secretary of State: *And provided further,* That on all such increase the State shall be entitled, *pro rata*, to the same bonus or tax that is now assessed by law on like amounts of the existing capital of the respective corporations.

As to bonded obligations, see Sec. 2, Act April 13, 1846, p. 8; Act April 18, 1854, p. 47; Sec. 3, Act May 16, 1857, p. 62; Sec. 3, Act March 16, 1863, p. 105; Sec. 2, Act March 21, 1866, p. 125; Sec. 2, Act March 22, 1867, p. 123; Sec. 1, Act Feb. 18, 1873, p. 147. As to capital stock see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

Proviso.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, December 7th, 1870; and by the stockholders of that company, February 21st, 1871.

Proviso.

## AN ACT

TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF HARRISBURG TO VACATE STREETS AND ALLEYS, OR PARTS THEREOF IN SAID CITY.

*P. L. 1870, page 673. Approved March 30th, 1870.*

Council of Harrisburg authorized to vacate certain streets and alleys. See Sec. 24, Act March 19, 1860, p. 86; Acts April 1, 1863, p. 107; March 23, 1865, p. 119; Sec. 1, Act March 30, 1866, p. 125.

SECTION 1. That the Council of the City of Harrisburg be and they are hereby authorized to vacate such streets and alleys, or parts thereof, in said city, as in the judgment of said council may be deemed necessary to secure the safety of public travel on and over the same, and as may be necessary to provide suitable accommodations and facilities for the safe and convenient transaction of the business of railroad and railway companies in said city; and said council shall have authority to make any contract or contracts with any such company for and in respect to the conditions upon which such vacation shall be made.

Repeal of Act March 23, 1865, p. 119.

SECTION 2. The act, entitled "An Act to authorize the Common Council of the City of Harrisburg to vacate streets and alleys, or parts of streets and alleys, in said city, for the better accommodation of the passenger travel by railroad through said city," approved March twenty-third, one thousand eight hundred and sixty-five, and all other acts, or parts thereof, inconsistent with this act, be and the same are hereby repealed.

## AN ACT

TO AUTHORIZE THE WRIGHTSVILLE, YORK AND GETTYSBURG RAILROAD COMPANY TO SELL THEIR RAILROAD AND APPURTENANCES, PROPERTY, REAL AND PERSONAL, CORPORATE RIGHTS AND FRANCHISES, TO THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1870, page 1008. Approved April 6th, 1870.*

SECTION 1. That it shall and may be lawful for the Wrightsville, York and Gettysburg Railroad Company by deed, under its corporate seal, to grant, bargain, sell and convey to the

See Act March 8, 1871, p. 138.











Pennsylvania Railroad Company, its successors and assigns, all and singular, its railroad and appurtenances, property, real and personal, corporate rights and franchises; and said Pennsylvania Railroad Company is hereby authorized to purchase, hold and use the same as fully and entirely as the said Wrightsville, York and Gettysburg Railroad Company are by law authorized and empowered to do: *Provided, however,* That Proviso. before any such sale is made, a meeting of the stockholders of said Wrightsville, York and Gettysburg Railroad Company shall be convened, and the acceptance or rejection of this act and of the sale thereunder be submitted to them, and a vote, by ballot, taken thereupon, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy; and if three-fourths of all the stock of said company shall be voted to accept this act, and make such sale, the said Wrightsville, York and Gettysburg Railroad Company shall thereupon make, execute and deliver a deed for the same to the purchaser, whose title thereto shall, in all respects, be as good as the same was in the said Wrightsville, York and Gettysburg Railroad Company; and the said purchaser shall pay the purchase money to and among the stockholders of said Wrightsville, York and Gettysburg Railroad Company, in the *pro rata* proportion to which they may be entitled according to the respective number of shares of their stock therein.

## AN ACT

RELATING TO VACATING A PORTION OF TENTH AVENUE, IN THE  
CITY OF ALTOONA.

*P. L. 1871, page 49. Approved February 14th, 1871.*

WHEREAS, The Common Council of the City of Altoona have Preamble. passed a resolution to have Tenth avenue, between Twelfth and Thirteenth streets, in said city, vacated; therefore,

SECTION 1. That the action of the Common Council of the said city of Altoona, in relation to vacating a portion of Tenth avenue, is hereby ratified and confirmed; and that all that portion of Tenth avenue, in the city of Altoona, between Twelfth and Thirteenth streets, be and the same is hereby vacated.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO SUBSCRIBE FOR OR PURCHASE THE CAPITAL STOCK AND TO GUARANTEE THE PAYMENT OF THE PRINCIPAL AND INTEREST OF THE BONDS OF THE AMERICAN STEAMSHIP COMPANY OF PHILADELPHIA.

*P. L. 1871, page 55. Approved February 17th, 1871.*

SECTION 1. That it shall and may be lawful for the Pennsylvania Railroad Company to subscribe for or to purchase the capital stock and to guarantee the payment of the principal and interest of the bonds of the American Steamship Company of Philadelphia.

## AN ACT

SUPPLEMENTARY TO THE ACT ENTITLED "AN ACT TO AUTHORIZE THE WRIGHTSVILLE, YORK AND GETTYSBURG RAILROAD COMPANY TO SELL THEIR RAILROAD AND APPURTENANCES, PROPERTY, REAL AND PERSONAL, CORPORATE RIGHTS AND FRANCHISES TO THE PENNSYLVANIA RAILROAD COMPANY."

*P. L. 1871, page 188. Approved March 8th, 1871.*

### Preamble.

WHEREAS, By the provisions of an act to which this act is supplementary, the Pennsylvania Railroad Company have purchased, all and singular, the railroad and appurtenances, property, real and personal, corporate rights and franchises of the said Wrightsville, York and Gettysburg Railroad Company; now therefore,

SECTION 1. That the Pennsylvania Railroad Company be and it is hereby authorized to issue additional shares of its capital stock, not exceeding seven thousand shares, to represent the moneys expended on the purchase and improvement of the said railroad and appurtenances; and the said Pennsylvania Railroad Company is hereby authorized to dispose of such additional stock in such manner and upon such terms as the board of managers may deem proper.

Capital stock may be increased by 7000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

## AN ACT

TO AUTHORIZE THE COLUMBIA BRIDGE COMPANY TO SELL THEIR BRIDGE AND ITS APPURTENANCES, PROPERTY, REAL AND PERSONAL, CORPORATE RIGHTS AND FRANCHISES TO THE PENNSYLVANIA RAILROAD COMPANY, AND TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO PURCHASE THE SAME, AND TO ISSUE ADDITIONAL SHARES OF ITS CAPITAL STOCK FOR THAT PURPOSE.

*P. L. 1871, page 189. Approved March 8th, 1871.*

SECTION 1. That it shall and may be lawful for the Columbia Bridge Company, by deed, under its corporate seal, to grant, bargain, sell and convey unto the Pennsylvania Railroad Company, its successors and assigns, all and singular, their bridge over the Susquehanna river, at Columbia, and appurtenances, property, real and personal, corporate rights and franchises; and the said Pennsylvania Railroad Company is hereby authorized to purchase, hold and use the same as fully as the said Columbia Bridge Company are by law empowered to do; and for the purpose of effecting such purchase, the said Pennsylvania Railroad Company is hereby authorized to issue not exceeding ten thousand additional shares of its capital stock.

Authorized to purchase property and franchises of Columbia Bridge Company, and to increase capital stock by 10,000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, June 28th, 1871.

## AN ACT

TO AUTHORIZE THE TYRONE AND CLEARFIELD RAILWAY COMPANY TO SELL AND CONVEY ITS RAILWAY AND APPURTENANCES, PROPERTY, REAL AND PERSONAL, CORPORATE RIGHTS AND FRANCHISES, TO THE PENNSYLVANIA RAILROAD COMPANY, AND TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO PURCHASE THE SAME AND TO ISSUE ADDITIONAL SHARES OF ITS CAPITAL STOCK FOR THAT PURPOSE.

*P. L. 1871, page 190. Approved March 8th, 1871.*

Authorized to purchase property and franchises of Tyrone and Clearfield Railway Company, and to increase capital stock by 20,000 shares: see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

SECTION 1. That it shall and may be lawful for the Tyrone and Clearfield Railway Company, by deed, under its corporate seal, to grant, bargain and sell and convey unto the Pennsylvania Railroad Company, its successors and assigns, all and singular, its railway and appurtenances, property, real and personal, and corporate rights and franchises; and the said Pennsylvania Railroad Company is hereby authorized to purchase, hold and use the same as fully as the said Tyrone and Clearfield Railway Company is by law empowered to do; and for the purpose of effecting such purchase, the said Pennsylvania Railroad Company is hereby authorized to issue not exceeding twenty thousand additional shares of its capital stock.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, June 28th, 1871.



## AN ACT

TO AUTHORIZE THE COMMISSIONERS OF THE SINKING FUND TO SELL AT PUBLIC SALE ALL THE RIGHT, TITLE, CLAIM AND INTEREST OF THE COMMONWEALTH OF PENNSYLVANIA, OF, IN AND TO THE LOT OF GROUND AND BUILDINGS THEREON ERECTED, SITUATE ON THE SOUTH-EAST CORNER OF SIXTEENTH AND FILBERT STREETS, IN THE CITY OF PHILADELPHIA, AND TO EXECUTE AND DELIVER THE NECESSARY CONVEYANCE THEREFOR TO THE PURCHASER.

*P. L. 1871, page 187. Approved March 8th, 1871.*

SECTION 1. That the commissioners of the sinking fund be and they are hereby authorized to sell at public sale, after three weeks' notice in three newspapers of Philadelphia, all the right, title, interest, claim and demand of the Commonwealth of Pennsylvania, of, in and to all that certain lot of ground, with the improvements thereon erected, situate on the south-east corner of Sixteenth and Filbert streets, in the city of Philadelphia, bounded and described as follows: Containing in front or breadth on the said Filbert street, one hundred and eighty-two feet, and extending in depth, southward of that width, along the east side of the said Sixteenth street, one hundred and six feet, to a certain thirty feet wide street called Jones street, bounded northwardly by the said Filbert street, southward by the said Jones street, eastward by city lots numbers seventeen hundred and ninety-eight and eighteen hundred and three, and westward by the said Sixteenth street, under and subject, however, to the yearly ground rent or sum of one thousand five hundred dollars, payable quarterly on the first day of October, January, April and July in every year forever, [without deductions for taxes,] together with the free and common use and privilege of the said Jones street, and together with, all and singular, the buildings, improvements, ways, streets, alleys, passages, waters, water courses, rights, liberties, privileges, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the revenues and remainders, rents, issues and profits thereof, and to execute and deliver the necessary conveyance therefor to the purchaser

Sale authorized.

See Acts April 15,  
1863, p. 108; April 28,  
1864, p. 114; Aug. 10,  
1864, p. 116; May 12,  
1871, p. 143.

or purchasers thereof, free and discharged from any liability to see to the application of the purchase money.

How proceeds to be applied.

SECTION 2. The said commissioners are hereby directed to apply the funds of the sale of said premises towards the reduction of the indebtedness of this Commonwealth.

## A FURTHER SUPPLEMENT

TO THE ACT INCORPORATING THE MIDDLE CREEK RAILROAD COMPANY, APPROVED MARCH TWENTY-THIRD, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE, AND THE SUPPLEMENT THERETO, CHANGING THE NAME THEREOF TO THE SUNBURY AND LEWISTOWN RAILROAD COMPANY, APPROVED SEVENTEENTH FEBRUARY, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

*P. L 1871, page 448. Approved March 23d, 1871.*

SECTION 1. That the board of directors of said Sunbury and Lewistown Railroad Company be and they are hereby authorized and empowered to fix and locate the western terminus of said railroad at any point connecting with the Mifflin and Centre Railroad, between Lewistown and Freedom Forge, or within the corporate limits of Lewistown; and said board of directors shall have the right to change the said terminus at any time hereafter, so as to connect with said Mifflin and Centre Railroad, or with the Pennsylvania Railroad on the west side of the Juniata river, at such point as may be deemed most advantageous for said company.

## AN ACT

TO AUTHORIZE THE WESTERN PENNSYLVANIA RAILROAD COMPANY TO SELL AND CONVEY ITS RAILROAD AND APPURTENANCES, PROPERTY, REAL AND PERSONAL, CORPORATE RIGHT AND FRANCHISES TO THE PENNSYLVANIA RAILROAD COMPANY, AND TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO PURCHASE THE SAME, AND TO ISSUE ADDITIONAL SHARES OF ITS CAPITAL STOCK FOR THAT PURPOSE.

*P. L. 1871, page 451. Approved March 25th, 1871.*

SECTION 1. That it shall be and may be lawful for the Western Pennsylvania Railroad Company, by deed, under its corporate seal, to grant, bargain, sell and convey unto the Pennsylvania Railroad Company, its successors and assigns, all and singular its railroad and appurtenances, property, real and personal, and corporate rights and franchises; and the said Pennsylvania Railroad Company is hereby authorized to purchase, hold and use the same as fully as the said Western Pennsylvania Railroad Company is by law empowered to do; and for the purpose of effecting such purchase the said Pennsylvania Railroad Company is hereby authorized to issue not exceeding twenty thousand additional shares of its capital stock: *Provided*, That nothing herein contained shall be construed to prejudice the rights of the stockholders of the Western Pennsylvania Railroad.

Authorized to purchase property and franchises of Western Pennsylvania Railroad Company, and to increase capital stock by 20,000 shares: see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Sec. 1, Act March 6, 1872, p. 145; Sec. 1, Act Feb. 18, 1873, p. 146.

*Proviso.*

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, June 28th, 1871.

## AN ACT

TO VACATE A PART OF JONES STREET, IN THE NINTH WARD OF THE CITY OF PHILADELPHIA.

*P. L. 1871, page 772. Approved May 12th, 1871.*

SECTION 1. That Jones street, in the Ninth Ward of the city of Philadelphia, extending eastwardly from Sixteenth street

See Acts April 15, 1863, p. 108; April 28, 1864,

p. 114; Aug. 10, 1864,  
p. 116; March 8, 1871,  
p. 141.

Proviso.

toward Fifteenth street, about one hundred and eighty-two feet, more or less, in length, to the line of the depot of the Pennsylvania Railroad Company, be and the same is hereby vacated: *Provided*, The owners of the property bounding thereon consent thereto, by writing, to be filed in the office of the chief engineer and surveyor of said city.

## AN ACT

TO AUTHORIZE THE WIDENING OF DELAWARE AVENUE, AND TO LOCATE THE SAME CONTINUOUSLY UPON THE PUBLIC PLANS OF THE CITY OF PHILADELPHIA.

*P. L. 1871, page 872. Approved May 15th, 1871.*

See Acts April 18,  
1856, p. 54; April 27,  
1864, p. 114; March 21,  
1865, p. 119; April 4,  
1865, p. 122; May 25,  
1871, p. 144; March 7,  
1873, p. 148; March 12,  
1873, p. 149; June 6,  
1873, p. 152.

SECTION 1. That the Select and Common Council of the City of Philadelphia be and they are hereby authorized to widen Delaware avenue, upon the east side of the same, so that the width thereof shall not exceed eighty feet; and that said avenue, between Queen street and Washington avenue, shall be located of that width upon the public plans of said city.

## AN ACT

TO VACATE TWENTY-SIXTH STREET, IN THE TWENTY-SIXTH WARD, IN THE CITY OF PHILADELPHIA.

*P. L. 1871, page 1178. Approved May 25th 1871.*

See Acts April 18,  
1856, p. 54; April 27,  
1864, p. 114; March 21,  
1865, p. 119; April 4,  
1865, p. 122; May 15,  
1871, p. 144; March 7,  
1873, p. 148; March  
12, 1873, p. 149; June  
6, 1873, p. 152.

SECTION 1. That Twenty-sixth street, north of Washington avenue, to Gray's Ferry road, in the Twenty-sixth Ward, in the city of Philadelphia, be and the same is hereby vacated, by the first day of July, Anno Domini one thousand eight hundred and seventy-one.



## AN ACT

TO AUTHORIZE AN INCREASE OF THE CAPITAL STOCK OF THE PENNSYLVANIA RAILROAD COMPANY, AND TO CHANGE THE TIME OF THE ANNUAL MEETING OF THE STOCKHOLDERS AND ELECTION OF DIRECTORS.

*P. L. 1872, page 220. Approved March 6th, 1872.*

SECTION 1. That in addition to the capital stock of the Pennsylvania Railroad Company heretofore made and issued, or authorized to be issued under authority of law, the said company are hereby empowered to increase the same from time to time, four hundred and fifty thousand shares, of the par value of fifty dollars, and to sell and dispose of the same at not less than the par value thereof, in such manner, and payable in such instalments, as the board of directors of said company may from time to time prescribe.

Capital stock may be increased by 450,000 shares; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 135; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act Feb. 18, 1873, p. 146.

SECTION 2. That the next annual meeting of the stockholders of said company shall be held on the second Tuesday of March, one thousand eight hundred and seventy-three, and annually thereafter; and the next annual election of the board of directors of said company, (after the annual election on the first Monday of March, one thousand eight hundred and seventy-two,) shall be held two weeks after the said meeting of the stockholders of the second Tuesday of March, one thousand eight hundred and seventy-three, and annually thereafter; and that so much of any law as conflicts with the provisions of this section, be and the same is hereby repealed.

Time of annual meeting of stockholders changed; see Sec. 4, Act April 13, 1846, p. 9; Sec. 2, Act April 26, 1850, p. 35; Sec. 1, Act March 16, 1863, p. 105. And time for election of directors changed; see Sec. 2, Act May 2, 1855, p. 51.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, March 27th, 1872.



## AN ACT

RELATING TO THE IMPROVEMENT OF THE RIVER DELAWARE, FOR  
PURPOSES OF NAVIGATION.

*P. L. 1872, page 259. Approved March 7th, 1872.*

SECTION 1. That it shall be lawful for the Delaware and Raritan Canal Company, or its lessee, the Pennsylvania Railroad Company, to construct and maintain permanent wing dams in the Delaware river from the head of Bull's island, and also from the Pennsylvania shore to the raft channel, not exceeding eighteen inches high above common low water, and to complete and maintain the wing dams heretofore built for the improvement of the raft navigation in said river, at or near the head of Well's Falls; also to erect such temporary structures in said channels, in times of extreme low water, as may be necessary to keep up the supply of water to the canal of said company, and to maintain sufficient depth of water in said river, to enable loaded boats to cross to said canal from the Delaware Division canal: *Provided*, That nothing in this act shall authorize the obstruction of the raft channel, or interfere with the running of rafts on said river.

Proviso.

## A FURTHER SUPPLEMENT

TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD  
COMPANY, AUTHORIZING AN INCREASE OF ITS CAPITAL STOCK,  
THE ISSUE OF BONDS AND THE SECURING OF THE SAME BY  
MORTGAGE.

*P. L. 1873, page 129. Approved February 18th, 1873.*

Authorized to increase capital stock; see Sec. 20, Act April 13, 1846, p. 20; Sec. 1, Act April 23, 1852, p. 38; Sec. 4, Act May 6, 1852, p. 40; Sec. 2, Act March 23, 1853, p. 42; Sec. 1, Act May 2, 1855, p. 51; Sec. 1, Act March 21, 1866, p. 124; Sec. 2, Act March 22, 1867, p. 127; Act Dec. 29, 1869, p. 139; Act March 8, 1871, p. 139, 140; Act March 25, 1871, p. 143; Sec. 1, Act March 6, 1872, p. 145.

SECTION 1. That it shall be lawful for the Pennsylvania Railroad Company, from time to time, to increase its capital stock to such amounts as the stockholders may, by resolution passed at any regular or special meeting, authorize; said increase not to exceed an amount equal to the amount of the capital stock

which said company is now by law authorized to issue; and when so authorized to apportion or dispose of the said shares in such manner and upon such terms, (but at not less than the par value thereof,) as the board of directors may deem for the best interests of the company; and the said company may issue, from time to time, bonds of the said company, payable at such time as they may appoint, bearing interest at a rate not exceeding seven per centum per annum, with or without provision for the payment, by the company, of any or all taxes on the principal or interest thereof, and to secure, from time to time, the said bonds by one or more mortgages of the whole or any portion of the railroads, estate, real and personal, and corporate rights and franchises acquired and to be acquired of the said company: *Provided, however,* That no bond or bonds shall, at any time, be issued in excess of the amount of the capital stock of said company outstanding at the time of such issue, but any such mortgage or mortgages may, at the option of and to the amount fixed by the said company, be made to secure, with the same rights, lien and privileges, bonds which a subsequent increase of capital stock may enable the said company to issue, as well as those which may be issued at the date of the execution of said mortgage.

Apportionment of shares.

May issue bonds, and see Sec. 2, Act April 13, 1846, p. 8; Act April 18, 1854, p. 47; Sec. 3, Act May 16, 1857, p. 62; Sec. 3, Act March 16, 1863, p. 105; Sec. 2, Act March 21, 1866, p. 125; Sec. 2, Act March 22, 1867, p. 128; Act Dec. 29, 1869, p. 135.

Proviso.

SECTION 2. That any mortgage or mortgages executed and delivered, as authorized by this act, shall be recorded in the office of the recorder of deeds, of the city and county of Philadelphia, and shall thereupon, without further record, be a lien on the property mortgaged wherever situated, as fully and effectually as if it had been recorded in each of the several counties in which the mortgaged premises, or any part thereof, are or may be situated.

Mortgages to be recorded in Philadelphia.

The foregoing act was accepted by the board of directors of the Pennsylvania Railroad Company, February 26th, 1873; and such acceptance was ratified by the stockholders of that company, March 11th, 1873.

## AN ACT

TO AUTHORIZE THE IMMEDIATE OPENING OF DELAWARE AVENUE,  
IN THE CITY OF PHILADELPHIA.*P. L. 1873, page 224. Approved March 7th, 1873.*

## Preamble.

See Acts April 18, 1856,  
p. 54; April 27, 1864,  
p. 114; March 21, 1865,  
p. 119; April 4, 1865,  
p. 122; May 15, 1871,  
p. 144; May 25, 1871,  
p. 144; March 12, 1873,  
p. 149; June 6, 1873,  
p. 152.

WHEREAS, By an act of assembly, entitled "An Act to authorize the widening of Delaware avenue, and to locate the same continuously upon the public plans of the city of Philadelphia," approved the fifteenth day of May, one thousand eight hundred and seventy-one, the councils of said city were authorized to widen Delaware avenue upon the east side thereof, so that the width of the said avenue should not exceed eighty feet:

AND WHEREAS, The councils of the said city by an ordinance, entitled "An Ordinance to widen Delaware avenue," approved the thirteenth day of May, one thousand eight hundred and seventy-two, did authorize and direct the department of surveys, in pursuance of the said act of assembly, to locate Delaware avenue from the north side of Dock street to Washington street, by increasing the width thereof upon the east side, and did thereby widen the said avenue to the width of eighty feet:

AND WHEREAS, The plan numbered two hundred and nine, prepared in accordance with the aforesaid authority, and now on file in the office of the department of surveys, was, after due legal notice, confirmed by the board of survey, on the twenty-fourth day of June, one thousand eight hundred and seventy-two; now therefore,

Chief Commissioner  
of Highways of Phil-  
adelphia authorized  
to open Delaware  
avenue 80 feet wide  
from Dock street to  
Christian street.

SECTION 1. That the chief commissioner of highways of the city of Philadelphia, be and he is hereby authorized and directed to open Delaware avenue forthwith, from the north side of Dock street to Christian street, of the width of eighty feet, in accordance with the aforesaid plan, numbered two hundred and nine: *Provided*, That any proceedings which may have been instituted for the assessment of damages in consequence of the proposed opening of the said avenue of the width aforesaid, shall not be thereby affected.

## Proviso.

## AN ACT

TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO OCCUPY CERTAIN PORTIONS OF DELAWARE AVENUE, IN THE CITY OF PHILADELPHIA, FOR RAILROAD PURPOSES, AND MAKE CONNECTIONS THEREWITH, AND TO ACQUIRE PROPERTY NEAR OR CONVENIENT TO THE SAID AVENUE FOR DEPOT AND OTHER RAILROAD PURPOSES.

*P. L. 1873, page 253. Approved March 12th, 1873.*

WHEREAS, For the purpose of increasing the business facilities and commercial advantages of the city of Philadelphia, the said city has, by ordinances, authorized the widening of a portion of Delaware avenue to the width of eighty feet, and has, by a resolution of its councils, authorized the Pennsylvania Railroad Company to occupy the easternmost thirty feet thereof as re-located and widened for railroad purposes; now therefore,

Preamble.

See Acts April 18, 1856, p. 54; April 27, 1864, p. 114; March 21, 1865, p. 119; April 4, 1865, p. 122; May 15, 1871, p. 144; May 25, 1871, p. 144; March 7, 1873, p. 148; June 6, 1873, p. 162.

SECTION 1. That the Pennsylvania Railroad Company be and is hereby authorized to construct a double track railroad upon the easternmost thirty feet of Delaware avenue in said city, as re-located between Queen and Washington streets, and as widened between the north side of Dock street and said Christian street, with such connections with its Delaware River extension and turnouts as may be necessary.

Authorized to construct railroad upon portions of avenue.

SECTION 2. And the said company is hereby further authorized to purchase, take and hold in fee simple, such ground and property near or convenient to the said avenue or streets, as the said company may deem necessary for depot and other railroad purposes: *Provided, however,* That if the said company cannot agree with the owner or owners of such land or property so to be taken as to the value thereof, or for the damage done or likely to be done to or sustained by any such owner or owners of such property, which said company may enter upon and take in pursuance of the authority hereby given, or when by reason of the absence or legal incapacity of any such owner or owners, no compensation can be agreed upon, the Court of Common Pleas of said city and county, on application thereto, by petition either by said company or

May acquire property near to avenue.

Proviso.

Proceedings in case of inability to agree with owners.



owner or owners, or any one in behalf of either, shall appoint five disinterested and competent persons as viewers, residents of the said city, to assess damages, and to fix a time not less than twenty nor more than thirty days thereafter, for said viewers to meet upon the premises where the damages are alleged to be sustained, of the time and place of which meeting ten days' notice shall be given by the party petitioning to the said viewers and to the other party; and the said viewers having been first sworn or affirmed by some person competent to administer oaths or affirmations, faithfully, justly and impartially to decide, and true report make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions hereof, and having viewed the premises they shall estimate and determine the quantity, quality and value of said land or property so taken or occupied, and having a due regard to and making a just allowance for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said land or property in consequence of the taking thereof, and after having made a fair and just comparison of such advantages or disadvantages, they shall estimate and determine whether any, and if any what amount of damages have been sustained, and to whom payable, and that the estate thereby acquired by the said company, shall be an estate in fee simple, and make report to the court; and if any damages be awarded and the report be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid execution may issue thereon as in other cases of debt for the sum so awarded, and the costs incurred shall be defrayed by the said railroad company; and each of the said viewers shall be entitled to three dollars per day for the time necessarily employed in performing the duties hereinbefore prescribed: *Provided, however,* That when said company is unable to or cannot agree with the owner or owners of the said land or property, then the said company may enter upon and take possession of the same, on giving to said owner or owners adequate security by bond for value thereof, as the same may be determined by the said viewers, and if such owner or owners shall refuse to receive such bond when tendered by the said company, then the same shall be presented to the Court of



Common Pleas of said city, and if approved by the said court, shall be filed in the office of the prothonotary thereof for the benefit and use of such owner or owners.

## A FURTHER SUPPLEMENT

TO AN ACT ENTITLED "A SUPPLEMENT TO THE ACT CONSOLIDATING THE CITY OF PHILADELPHIA," APPROVED THE TWENTY-FIRST DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE, TO EXEMPT CERTAIN PROPERTIES ON SOUTH SIDE OF WILLING'S ALLEY, BETWEEN THIRD AND FOURTH STREETS, IN SAID CITY, FROM THE OPERATION OF THE SIXTH SECTION OF THE SAID ACT.

*P. L. 1873, page 254. Approved March 12th, 1873.*

SECTION 1. That the provisions of the sixth section of the said act shall not apply to any building or buildings, situate on the south side of Willing's alley, between Third and Fourth streets, in the said city of Philadelphia.

Sixth section not to apply to certain buildings.

SECTION 2. In all cases where any building or buildings upon the south side of the said Willing's alley, between Third and Fourth streets, in the said city of Philadelphia, has or have heretofore been erected without having receded as in the said sixth section is provided, such building or buildings shall be taken and deemed to be properly located, as fully and to all intents and purposes as if the said act had not been passed.

Buildings heretofore erected deemed to be properly located.

## A SUPPLEMENT

TO AN ACT TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO OCCUPY CERTAIN PORTIONS OF DELAWARE AVENUE, IN THE CITY OF PHILADELPHIA, FOR RAILROAD PURPOSES, AND MAKE CONNECTION THEREWITH, AND TO ACQUIRE PROPERTY NEAR OR CONVENIENT TO THE SAID AVENUE FOR DEPOT AND OTHER RAILROAD PURPOSES, APPROVED THE TWELFTH DAY OF MARCH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, AUTHORIZING THE SAID COMPANY TO OCCUPY ANY PORTION OF DELAWARE AVENUE BETWEEN THE NORTH SIDE OF DOCK STREET AND THE SOUTH SIDE OF CHRISTIAN STREET, IN SAID CITY, FOR RAILROAD PURPOSES, WITH THE CONSENT OF THE COUNCILS OF SAID CITY.

*P. L. 1874, page 415. Approved June 6th, 1873.*

See Acts April 18, 1856,  
p. 54; April 27, 1864,  
p. 114; March 21, 1865,  
p. 119; April 4, 1865,  
p. 122; May 15, 1871,  
p. 144; May 25, 1871,  
p. 144; March 7, 1873,  
p. 148; March 12, 1873,  
p. 149.

SECTION 1. That it shall and may be lawful for the Pennsylvania Railroad Company, with the consent of the Select and Common Councils of the City of Philadelphia, to construct a double track railroad upon any portion of Delaware avenue, between the north side of Dock street and the south side of Christian street in said city.











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THE  
HARRISBURG, PORTSMOUTH, MOUNT JOY  
AND LANCASTER RAILROAD  
COMPANY.

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## AN ACT

### AUTHORIZING THE GOVERNOR TO INCORPORATE THE PORTSMOUTH AND LANCASTER RAILROAD, &C.

*P. L. 1832, page 564. Approved June 9th, 1832.*

SECTION 68. That Thomas P. Cope, John White, Thomas Biddle, Mark Richards, John Hemphill, Joseph Sanderson, Francis Breuil, Benjamin W. Richards, Robert C. Martin, Thomas Roney, Lewis Ryan, Joseph Ray, John B. Swett, Harrison Locke and Levi Ellmaker, of the city of Philadelphia; George Fisher, Benjamin Jordan, Thomas M'Nair, Henry Smith, David M'Kibbin, William Carlisle, Junior, Joseph Brestle, Martin Kendig, Doctor M. Brown, Joseph Ross, of the county of Dauphin; Colonel George Mayer, Frederick Hambright, Christian Ober, John Bender, Colonel James Patterson, and Frederick Hipple, of the county of Lancaster, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they, or any three of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz.: "We and each of us, whose names are hereunto subscribed, do promise to pay to the directors of the Portsmouth and Lancaster Railroad Company, the sum of fifty dollars for every share of stock set opposite our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act authorizing the Governor to incorporate the Portsmouth and Lancaster Railroad Company. Witness our hands, the                      day of Anno Domini one thousand eight hundred and thirty-two;" and shall thereupon give at least twenty days' previous notice, in two newspapers printed in the counties of Lancaster and Dauphin, and in two of the daily papers printed in the city of Philadelphia,

Commissioners.

See Sec. 1, Act Feb. 18, 1834, p. 165.

Three may act.

Form of subscription.

Shares \$50 each.

Duties of commissioners specified.

of the times when, and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books eight thousand shares, and if, at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may seem to require; but no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars on each share, for the use of the company.

Whole number of shares 8000.

\$5 to be paid down on each share.

Mode of reduction in case of excess in subscription.

SECTION 69. That if more than eight thousand shares shall be subscribed, in the time specified in the preceding section, to the capital stock of the said company, the said commissioners, or a majority of them, shall reduce the subscription to eight thousand shares, by striking off from the largest number of shares in succession, until the subscriptions shall be reduced to eight thousand shares, or each of the subscriptions to one share; and if there shall be still an excess, then lots shall be drawn by the commissioners to determine who shall be excluded.

Commissioners to certify subscriptions.

Governor to issue letters patent.

SECTION 70. That when two thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this Commonwealth, and on the receipt of such certificate, the Governor shall, by letters patent, under his hand and the seal of the Commonwealth, create and erect the subscribers; and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style (and) title of "The Portsmouth



and Lancaster Railroad Company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation; may sue and be sued, implead and be impleaded, in all courts of record and elsewhere; may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements, and hereditaments, goods, chattels, and all estates, real, personal, mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of said corporation, and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

Title.  
Changed, see Sec. 14,  
Act March 11, 1835, p.  
171.

Privileges and  
liabilities.

Seal.

Proviso.

Operations to be  
confined to specific  
objects of charter.

SECTION 71. That for the management of the affairs of the said corporation, seven directors shall be elected, by ballot, annually by the stockholders of the said company, the votes to be delivered in person or by proxy, duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the Constitution and laws of the United States and of this Commonwealth, as may be necessary for the well ordering of the affairs of the said company: *Provided*, That none but stockholders shall be eligible to be elected directors, and that at every such election, and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and, also, that in all cases of elections for directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

Annual election of  
directors.

Number of directors  
changed to thirteen,  
see Res. June 27, 1839,  
p. 173; and to five,  
see Act April 1, 1864,  
p. 184.

By-laws, &c.

Proviso.

Directors must be  
stockholders.

Each share of stock  
to have one vote.

What shareholders  
may vote.

SECTION 72. That no share of stock shall be entitled to the right of suffrage which shall not have been held three calendar months prior to the day of election, nor unless it shall be held by the person in whose name it appears absolutely and *bona fide*, in his own right, or in that of his wife, or for his sole use and benefit, or as executor, administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for the use and benefit of any other person; that no share or shares, held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and no share or shares shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previously to the said election or meeting, and that all votes by proxy shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An Act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented.

Votes by proxy.

Proviso.

Provisional election  
of directors.

SECTION 73. That the aforesaid commissioners, or a majority of them, shall as soon as practicable, after the said letters patent shall have been obtained, give at least fifteen days previous public notice in the newspapers hereinbefore mentioned, of the time and place by them appointed, for the subscribers or stockholders to meet for the purpose of electing seven directors, as provided for in the preceding sections, and that annually thereafter the said stockholders shall meet on the third Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election; *And*

Time of annual election. Changed to first Friday in September, see Res. June 27, 1839, p. 173.

Proviso.

Cases of neglect or omission.

Proviso.

*provided, also,* That in case of any vacancy from death or resignation of any director, his place shall be filled by the board of directors.

Vacancies.

SECTION 74. That the said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who in the absence of the president, may appoint a president *pro tem.*; the said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, shall fix their compensation, and shall demand and take adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of every person failing to pay any instalment so required, to regulate tolls, to make such covenants, contracts and agreements, with any person, co-partnership or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company.

Meetings of directors.

Quorum.

General powers and duties.

Officers.

Instalment on shares.

Tolls and contracts.

SECTION 75. That the directors first chosen as aforesaid, shall issue a certificate to each stockholder, for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal; subject, however, to all the payments due and to grow due thereon; which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws.

Certificates of stock.

Transfer of shares.

SECTION 76. That at each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and that special meetings of the stockholders may be called by order of the directors, or by

Annual statement to stockholders.

Special meetings of stockholders.



stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Right to locate and construct a railroad, &c.

See Sec. 2, Act Feb. 18, 1834, p. 165; Sec. 1, Act March 11, 1835, p. 166.

SECTION 77. That the said company be and they are hereby authorized, as soon as they conveniently can, to locate and construct a railroad of one or more tracks from Portsmouth, by the shortest and best route, by the way of Mount Joy, to a convenient point on, and connecting with the Pennsylvania Railroad, at a point west of the city of Lancaster, and to make, construct and erect such warehouses, toll-houses, carriages, cars, and all other works and appendages necessary for the convenience of the said company, in the use of the said railroad: *Provided*, That said railroad shall not form any unnecessary obstruction to the free use and passage of the main street of said city: *And provided, also*, That said company shall not demand or receive toll for carriages unavoidably passing upon any part of said road within the bounds of said borough, except those constructed for said railroad: *And provided further*, That in constructing the said railroad, it shall not be lawful to approach within the distance of one mile from that part of the river Susquehanna, at or near the Cone-wago Falls, over which a bridge is authorized to be erected across the river, from York Haven to the Lancaster shore.

Proviso.

Not to obstruct main street in Lancaster.

Proviso.

Toll within corporate limits.

Proviso.

Approximation to York Haven bridge.

Right of entry to locate and construct road.

SECTION 78. That it shall and may be lawful for the said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of the said railroad, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land, for the purpose of constructing said road.

Mode of ascertaining damages to land.

SECTION 79. That when the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or where, by reason of legal incapacity, or absence of

any such owner or owners, no such agreement or purchase can be made, the Court of Common Pleas for the proper county, on application thereto, by or on behalf of either party, and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons to meet on the land so required, or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter, and the sheriff, upon receiving the said warrant, shall forthwith summon the said twelve persons, and shall give at least eight days' notice to the respective parties; and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall, in the case of land so required, administer to each of them an oath or affirmation, "that he will faithfully, justly, and impartially value the land occupied or required for such railroad or other works, and all damages which the owner or owners shall sustain or may have sustained, by reason of the construction of the said railroad and other works, taking into consideration the advantages, as well as the disadvantages of the same, to the said owner or owners, according to the best of his skill and judgment," and in case of materials taken for the purpose aforesaid, "that he will faithfully, justly and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company to the said owner or owners, taking into consideration the advantages, as well as the disadvantages arising from the construction of such railroad and other works, to the said owner or owners, according to the best of his skill and judgment;" whereupon the said persons shall proceed to view the lands so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties, and their verdict, signed by the sheriff and at least seven of the jury, shall be returned by the sheriff, within five days thereafter, to the prothonotary of the said county, who shall file the same; and the said sheriff and persons shall be entitled to the like fees for their respective services, as are allowed to the execution of an order issued by the Orphans' Court for the valuation of lands

Appointment of  
viewers.

Oath.

Verdict.

Fees.



of an intestate, under the intestate laws of this Commonwealth: *Provided*, That if the proper officer of said company, at any time before application made by any person having sustained damage by reason of the construction of said railroad, in the manner hereinbefore directed, shall tender to such person a sum of money, in full compensation for his damages, said company shall not be liable for costs on any subsequent proceedings, unless such person shall recover a verdict more favorable than the previous tender of the said company.

Proviso.

When applicant for damages may be liable for costs.

Right of appeal from verdict of jury.

SECTION 80. That either party shall be at liberty to make exceptions to any verdict rendered according to the provisions of the preceding section, within twenty days after the same shall be returned and filed by the prothonotary as aforesaid, which exceptions shall be heard by the Court of Common Pleas of the proper county, who may either affirm or set aside the same, as shall be lawful and right, and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given, but if any such verdict be set aside by the court, a new precept shall issue to the sheriff, in the manner before specified: *Provided*, That upon the subsequent proceedings, if the party excepting does not recover a verdict more favorable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

Proviso.

Liability of appellant for costs.

Erection of public and private causeways.

SECTION 81. That it shall be (the) duty of said company to construct and keep in repair good and sufficient passages across the said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said roads shall not be obstructed; and, also, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage for the use of said farm: *Provided*, That the owners of land through which said railroad passes shall not be prevented from constructing crossing places over said railroad, but to be such as are usually made by the company.

Proviso.

Passages may be erected by individuals.

Road to be a highway.

SECTION 82. That on the completion of the said railroad, the same shall be esteemed a public highway for the conveyance

of passengers, and transportation of merchandise and commodities, under such regulations as shall be prescribed by the directors; and it shall and may be lawful for the said company to demand and receive such sum or sums of money, for tolls of persons and property, as they shall from time to time think reasonable: *Provided*, That the toll on any species of property shall not exceed eight cents per ton per mile, nor upon passengers more than four cents each per mile.

Tolls.  
Proviso.  
Limit of tolls.

SECTION 83. That if any owner or driver of any car, carriage, wagon or conveyance, upon the said railroad shall pass by any place appointed for receiving tolls without making payment thereof, with intent to defraud the said company, he, she or they, so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Penalty for passing toll houses without paying.

SECTION 84. That dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of net profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto shall be liable in their individual capacities to the said company for the amount of stock so divided; and each director present, when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders at the declaring such dividend.

Semi-annual declaration of dividends.  
  
Not to impair capital.  
  
Directors may be liable.

SECTION 85. That no suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced

Suits for penalties must be commenced within one year from offence.

within one year next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Penalty for wilful injury to works of company.

SECTION 86. That if any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, or shall in any manner obstruct the free passage along the said railroad, he, she or they shall forfeit and pay to the company three times the actual damage thereby sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the company, and shall also be subject to indictment in the Court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the said court.

How recovered.

Time for commencement and completion of road, &c.

SECTION 87. That if the said company shall not commence the construction of the said railroad within the term of two years from the passage of this act, or within one year from the completion of the Philadelphia and Columbia Railroad, or if said company shall not complete their railroad within the term of four years from its actual commencement, or if after the completion of the said railroad, said corporation shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall be null and void, except so far as compels said company to make reparation for damages.

Increase of capital stock.

See Sec. 50, Act March 17, 1838, p. 172; Sec 1, Act March 17, 1845, p. 174; Sec. 2, Act April 2, 1853, p. 180; Act April 22, 1854, p. 180.

SECTION 88. That if any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, or to lay another track, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares so that they shall not in the whole exceed twelve thousand, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties, as are

hereinbefore provided for the original subscription, or shall be provided for by their by-laws.

SECTION 89. That if at any time said company shall misuse or abuse any of the privileges hereby granted, the Legislature may resume all and singular the rights and privileges hereby granted to said company; and the Legislature reserves the right to reduce and regulate the tolls hereby authorized.

Reservation of right to resume privileges and regulate tolls. See Sec. 3, Act March 11, 1835, p. 166.

## A SUPPLEMENT

### TO AN ACT AUTHORIZING THE GOVERNOR TO INCORPORATE THE PORTSMOUTH AND LANCASTER RAILROAD, &C.

*P. L. 1834, page 66. Approved February 18th, 1834.*

SECTION 1. That John Jardon, Hezekiah Buzby, Henry Witmer and Cornelius S. Smith, of Philadelphia; William Cooper, John Latshaw and William Frick, of Lancaster; Okey Hendrickson, William D. Slaymaker, James Laird, Samuel S. Patterson, Christian Hershey, and Doctor Simon Meredith, of Mount Joy; George Wisler, Senior, Philip Albert, Senior, George Redsecker, Junior, Adams Campbell, Andrew Wade, Esquire, and Jacob Gish, of Elizabethtown; Jacob M. Haldeman, Henry Walters, Michael Burke, and Henry Buehler, of Harrisburg, be and they are hereby appointed commissioners, in addition to those already appointed, to do and perform the several duties enjoined by the act to which this is a supplement, and having relation solely to the Portsmouth and Lancaster Railroad.

Additional Commissioners. See Sec. 68, Act June 9, 1832, p. 155.

SECTION 2. That the seventy-seventh section of the act to which this is a supplement, relating to the location of the said road, is hereby altered and supplied, so as to make the borough of Elizabethtown a point in said road: *Provided*, That the

Elizabethtown to be a point in said railroad. See Sec. 77, Act June 9, 1832, p. 160; Sec. 1, Act March 11, 1835, p. 166. Proviso



same can be done, in the opinion of the engineer and managers of said company, without injuring the location of said road materially.

## A SUPPLEMENT

### TO THE ACT INCORPORATING THE PORTSMOUTH AND LANCASTER RAILROAD COMPANY.

*P. L. 1835, page 58. Approved March 11th, 1835.*

May extend railroad to Harrisburg. See Sec. 77, Act June 9, 1832, p. 160; Sec. 2, Act Feb. 18, 1834, p. 165.

SECTION 1. That it shall be lawful for the Portsmouth and Lancaster Railroad Company to make and construct a continuation or extension of the railroad authorized by the act to which this is a supplement, commencing at the termination of the said railroad at Portsmouth, and extending by one or more tracks to a convenient point in the borough of Harrisburg.

Provisions of Act of incorporation extended to extension of railroad.

SECTION 2. That in locating, constructing and maintaining the continuation of the said railroad hereby authorized, all such provisions of the act to which this is a supplement, as are applicable to the said continuation thereof, be and the same are hereby extended to the same, as fully and effectually as if they were herein enacted at length.

See Sec. 89, Act June 9, 1832, p. 165.

SECTION 3. The provisions of the eighty-ninth section of the act to which this is a supplement, shall not be so construed as to reserve to the Legislature the right to reduce the tolls which may be charged by the said company, below the limit imposed by the eighty-second section of the same act; and that the same tolls may be charged on the continuation of the said railroad hereby authorized, as are provided for by the latter section; and that the said tolls may be charged as soon as five miles of the said railroad shall be completed.

When tolls may be demanded.

Penalty for wilfully or maliciously

SECTION 4. If any person or persons shall wilfully and maliciously burn, break, cut, throw down, or destroy the whole, or



any part of any water station, locomotive engine, stationary engine, engine house or other building, machinery, rope, sheeve, sill, cross-tie, wooden or iron rail, chain, bolt, wedge, switch, turning-platform, block, wall, bridge, culvert, drain or bank, belonging to the Portsmouth and Lancaster Railroad Company, or used by the said company on or about the said railroad, or any part thereof, or stop up or obstruct the said railroad or any part thereof, or any engine, machinery, rope, sheeve, switch, turning-platform, culvert, drain, conduit-pipe, water station or well, belonging to the said company, such person or persons shall for every such offence, pay all the damage arising from such burning, breaking, cutting, throwing down, stopping or destroying; and shall likewise, on conviction thereof before the Court of Quarter Sessions of the proper county, be sentenced to imprisonment at hard labor for any term not exceeding two years, in the jail of the proper county, or in one of the penitentiaries of the State, at the discretion of the court before whom the conviction may be had.

in juring and destroying property of company.

SECTION 5. If any person shall wantonly open or shut, or cause to be opened or shut, any part of a locomotive engine, stationary engine, switch, turning-platform, or machinery, upon or belonging to the said railroad, or put such engine, machinery or rope in motion, or shall kindle a fire for such purpose, or shall drive any nails, spikes, pins or wedges, into any part of the said railroad, or into any engine, machinery, switch, turning-platform, or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly or maliciously break, throw down or destroy any fence, wall or timber work, on or about the said railroad, or any bridge or place made for crossing the same, such person or persons shall, for every offence, forfeit any sum not exceeding two hundred dollars, and pay all damages consequent upon such offence, and shall likewise, on conviction thereof before the Court of Quarter Sessions of the proper county, be sentenced to imprisonment in the jail of the county where such offence may be committed, at the discretion of the court before whom a conviction shall be had, for a term not exceeding six calendar months.

Penalty for wantonly meddling with or deranging any of the works.

No horses, carriages, teams, &c., to travel on the road.

Obstructions.

Penalty.

SECTION 6. If any person shall wilfully lead or drive, or cause to be led or driven, any horse, ox, ass or mule, hauling any stone or timber, or hauling any sled, sleigh, wagon, cart, dray or any other thing whatsoever, except railroad cars, along or over the said railroad, or over any bank, wall, side-way, turning-platform or fixture thereof, except at a bridge or place constructed for crossing the said railroad, or if any person shall wilfully obstruct the perfect and free use of the said railroad, by placing any timber, stone, earth, or any other thing whatever, on it or on any side-way or fixture belonging to said railroad, such person shall forfeit and pay for every such offence any sum not exceeding one hundred dollars, and pay all damages consequent upon such offence; and in case such forfeiture and damages shall not be paid forthwith, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding thirty days, at the discretion and upon the warrant of the court before whom such conviction shall be had.

No horses, sheep, swine, &c., to be driven on the road.

Penalty.

SECTION 7. Every person who shall wilfully ride, lead or drive any horse, ass or mule, or who shall wilfully lead or drive any ox, sheep, swine, or other cattle upon the said railroad, or upon any of the banks or side-ways of the same, except for the purpose of hauling railroad cars thereon, or for the purpose of conveying articles to or from the sides of the said railroad, to be transported thereon, or delivering at their place of destination, shall forfeit and pay for each offence, a sum not exceeding twenty five dollars, and pay all damages consequent upon such offence, over and above the said forfeiture; and in case of default in the immediate payment of each forfeiture and damages, upon conviction, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding fourteen days, at the discretion of the court before whom such conviction shall be had.

No building, platform, sideway, &c., to be erected without permission from company.

SECTION 8. No person shall construct any building, wharf, platform, switch, side-way, lateral railroad or crossing-place, or make and apply any device whatever, on the ground set apart for, or belonging to, or forming any part of the said railroad, or on the banks or excavations thereof, without first











obtaining permission therefor, from the president and directors of the said company; and if any person shall offend against this section, by commencing or making any such construction, or apply such device without such permission, or shall not conform to the directions of the president and directors of the said company, or their authorized agents, in respect to the location and size of such building, wharf or platform, switch, or side-way, lateral railroad, crossing-place or device, as aforesaid, such person shall forfeit for such offence a sum not exceed- Penalty. ing one thousand dollars; and the president and directors of the said company, or any engineer, superintendent, or other agent, shall be authorized, at the expense of the person thus attempting, to remove and destroy every such building, wharf, platform, switch, side-way, lateral railroad, crossing-place or device, as aforesaid.

SECTION 9. The president and directors of the said railroad company shall have power, from time to time, to make such rules and regulations, not inconsistent with the laws of this State, in respect to the form, size and structure of locomotive engines, tenders and cars, used on the said railroad, the weighing and inspection of engines, tenders and cars, and their lading, the collection of the tolls authorized by this act, and by the act, to which this is a supplement, and in respect to all matters connected with the use and preservation of the said railroad, and impose such fines and penalties for the breach of such rules and regulations, as they may think reasonable: *Provided*, Rules and regulations as to engines, tenders, cars, tolls, &c. Proviso. That no fine or penalty so imposed, shall, for a single offence, exceed the sum of twenty-five dollars.

SECTION 10. All penalties and forfeitures created by this act, or by the rules and regulations which may be established in conformity with the ninth section thereof, shall be for the use of the Portsmouth and Lancaster Railroad Company, and shall be sued for and recovered, in the name and for the use of the All penalties and forfeitures to be for use and benefit of company. said company, as debts of equal amount are by law recoverable; or, in cases of offences against the seventh and eighth sections of this act, or against the rules and regulations which may be established in conformity with the ninth section thereof, by summary conviction before a justice of the peace, of the How recoverable.

county where the offence was committed, or where the defendant may be found, who shall have power in all cases where the said penalties and forfeitures are made discretionary, to fix the amount thereof; and the amount of such penalties and forfeitures, when recovered, shall be paid to the treasurer of the said company: *Provided*, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition to the next Court of Quarter Sessions, on entering into a recognizance, with one or more sufficient sureties in a reasonable amount, conditioned for the appearance of the defendant at the said court, to prosecute his appeal, and the said court shall take such order thereon, as to them shall appear just and reasonable, and the same shall be conclusive.

Proviso.

May appeal.

Right to enter lands on which to erect buildings, convey water, take materials, &c.

See Sec. 21, Act March 17, 1836, p. 171; Act March 31, 1837, p. 171.

Damages.

SECTION 11. The president and directors of the said railroad company shall have power, for the purpose of conducting water from any contiguous streams to their necessary engine and water-stations, to enter on and occupy, not exceeding one rood in width, of any adjacent lands, through which it may be necessary to conduct the water they may require; and also, to enter on and occupy, not exceeding two acres of land at any one point where they may deem it necessary, to erect engine-houses, water-stations, stables, shops, reservoirs, or other necessary buildings; and also, to enter upon any land contiguous to the said railroad, to dig for, get and carry away, and use all such stone, gravel, clay, or other materials, as may be necessary and proper, in their opinion, to repair the said railroad, or any part thereof; and if the said president and directors, and the owner of the land cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to the said land, by such entry or occupation, the same shall be assessed under the provisions of the seventy-ninth and eightieth sections of the act to which this is a supplement.

When operations to commence at Harrisburg.

SECTION 12. The said president and managers shall be compelled to commence operations at the borough of Harrisburg, at the same time that the making of the said road is commenced at any other point, and complete said extension with the same expedition that any other part is completed; or on

neglect or failure so to do, all the authority, rights and privileges hereby granted by this act, shall be forfeited at the expiration of two years from its passage, and the same be null and void. Forfeiture.

SECTION 13. The word Mount Joy, in the seventy-seventh section of the act to which this is a supplement, shall be construed to mean the *town of Mount Joy*, in the county of Lancaster. Meaning of Mount Joy in Act of incorporation, explained.

SECTION 14. From and after the passage of this act, the style of the said corporation shall be "The Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company." See Sec. 70, Act June 9, 1832, p. 157.

## AN ACT

REGULATING ELECTION DISTRICTS, AND FOR OTHER PURPOSES.

*P. L. 1836, page 95. Approved March 17th, 1836.*

SECTION 21. That the limitation contained in the eleventh section of the act, passed the seventh day of March, eighteen hundred and thirty-five, entitled "A Supplement to the act for incorporating the Portsmouth and Lancaster Railroad Company," shall not prevent the said railroad company from occupying or purchasing any quantity of land, not exceeding four acres, at either end of said railroad, if the same shall be necessary. Company may hold certain real estate.  
See Sec. 11, Act March 11, 1835, p. 170; Act March 31, 1837, p. 171.

## AN ACT

RELATIVE TO THE HARRISBURG, PORTSMOUTH, MOUNT JOY AND  
LANCASTER RAILROAD COMPANY, AND FOR OTHER PURPOSES.

*P. L. 1837, page 123. Approved March 31st, 1837.*

SECTION 1. That the quantity of land which may be owned by the Harrisburg, Portsmouth, Mount Joy and Lancaster Limit of land to be holden.  
See Sec. 11, Act March 11, 1835, p. 170; Sec. 21, Act March 17, 1836, p. 171.

Railroad Company, shall not exceed ten acres in any one body, any law heretofore passed to the contrary notwithstanding: *Provided*, That nothing herein contained shall authorize the said company to enter upon, or acquire title to any quantity of land beyond the amount now permitted by existing laws, without the consent of the owner or owners thereof first had and obtained, and that the directors of the said company are hereby authorized to sell, at such time and in such manner as they may believe conducive to the interests of the company, the four thousand shares of stock authorized by law, and which remain unsold.

Proviso.

Consent of owners to be obtained.

Directors may sell stock.

## AN ACT

TO INCORPORATE THE ATHENS AND ITHACA RAILROAD COMPANY, AND FOR OTHER PURPOSES.

*P. L. 1838, page 85. Approved March 17th, 1838.*

May increase capital stock.

See Sec. 88, Act June 9, 1832, p. 164; Sec. 1, Act March 17, 1845, p. 174; Sec. 2, Act April 2, 1853, p. 180; Act April 22, 1854, p. 180.

May negotiate loans.

See Sec. 2, Act March 17, 1845, p. 175; Sec. 6, Act April 9, 1852, p. 178; Sec. 2, Act April 2, 1853, p. 179; Act April 22, 1854, p. 180.

SECTION 80. That the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, shall have authority to create an additional number of shares of stock, to the amount of four hundred thousand dollars, for the purpose of completing said road, and of adding an additional track, and shall have authority to negotiate a loan or loans, by pledging their capital stock, or the tolls and profits of the company, or in such way or manner as a meeting of the stockholders shall determine.

The foregoing act was adopted by the stockholders of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, April 12th, 1838.



## RESOLUTION

RELATIVE TO THE ELECTION OF COUNTY TREASURER IN FAYETTE  
COUNTY.

*P. L. 1839, page 691. Approved June 27th, 1839.*

*Resolved*, That the elections of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company shall hereafter be held on the first Friday in September, in each year, at which time the qualified stockholders shall elect thirteen directors, of whom seven shall form a quorum for the transaction of business, and such other officers of the company as are now prescribed by the charter of said company: *Provided*, That this amendment shall be first adopted by a meeting of the stockholders, to be called for this purpose.

Time of electing directors, and number: see Sec. 71, 93, Act June 9, 1832, p. 157, 158. Number of directors reduced to five, see Act April 1, 1864, p. 184.

Proviso.

Stockholders to adopt.

The foregoing resolution was accepted by the stockholders of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, August 20th, 1839.

## A FURTHER SUPPLEMENT

TO THE ACT ENTITLED "AN ACT TO INCORPORATE THE MARIETTA, BAINBRIDGE, FALMOUTH AND PORTSMOUTH ROAD COMPANY."

*P. L. 1841, page 369. Approved May 7th, 1841.*

SECTION 6. The company shall not prevent any person or persons being the owner or owners of land bordering on the said railroad, or adjacent thereto, from making such lateral railroads and from connecting them with the said railroad from their said lands, as the said person or persons may conceive to be necessary for the purpose of transporting merchandise, stone, lumber, produce or coal upon the said railroad: *Provided*, That such connections shall be constructed at such places and in such manner as shall be approved of by the president of the board of directors and the engineer of said

Lateral roads.

Proviso.

Manner of construction.

Proviso.

Subject to rules of company.

Proviso.

Not to take away any right of the company.

Proviso.

When to take effect, and in what case not to take effect.

company: *Provided further*, That such lateral railroad and connections shall be subject to such rules and regulations as may be established by the president and managers for the government thereof: *And provided*, That nothing in this act contained shall be construed to take away any right which may be vested in the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company: *Provided further*, That this act shall not take effect for two years from the first day of June next; and if, in the meantime, the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company shall remove the flat bars now on said road and substitute therefor iron T rails, for the distance of ten miles, within one year from the first day of June next, and on the remaining distance of said road within two years from the first day of June aforesaid, then this act shall not go into operation; but all the rights, franchises and privileges hereby granted shall cease and determine as effectually as if this act had not been passed.

## AN ACT

### RELATIVE TO THE HARRISBURG, PORTSMOUTH, MOUNT JOY AND LANCASTER RAILROAD COMPANY.

*P. L. 1845, page 183. Approved March 17th, 1845.*

Preamble.

WHEREAS, Doubts have arisen whether the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company have power, under the eightieth section of an act of assembly, passed the seventeenth of March, one thousand eight hundred and thirty-eight, entitled "An Act to incorporate the Athens and Ithaca Railroad Company, and for other purposes," to create the additional number of shares of stock therein authorized, in any other manner than by subscription at par; therefore,

Explanatory of authority to issue additional stock, see Sec. 88, Act June 9, 1832, p. 164; Sec. 80,

SECTION 1. That the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company shall have authority to create

the additional number of shares of stock authorized by the eightieth section of the said act of March seventeenth, one thousand eight hundred and thirty-eight, by a resolution of two-thirds of the stockholders of said company, in number and value: *Provided*, That such resolution shall be adopted at a special meeting of the stockholders, called for the purpose.

Act March 17, 1838, p. 172; Sec. 2, Act April 2, 1853, p. 180; Act April 22, 1854, p. 180.

Proviso.

SECTION 2. And the directors of said company are hereby authorized to sell any number of the shares of the stock that may be so created by the stockholders, at such time and at such price as they may deem proper; and also shall have authority to negotiate a loan or loans, by pledging such shares, or any part thereof, in such manner as they may believe conducive to the interest of the company: *Provided*, That the aforesaid company shall be required at all times to furnish sufficient motive power to transport any number of passenger or burden cars over said road for which application may be made: *Provided, also*, That before such sale or loan shall be made, notice shall be given of the time and place of taking the same, by at least three insertions in one newspaper in the cities of Philadelphia and Lancaster and the borough of Harrisburg.

Authority to sell stock.

May negotiate loans, see Sec. 50, Act March 17, 1838, p. 172; Sec. 6, Act April 9, 1852, p. 179; Sec. 2, Act April 2, 1853, p. 179; Act April 22, 1854, p. 180. Proviso.

Motive power.

Proviso.

Notice of sale of stock or loan.

The foregoing act was adopted by the stockholders of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, May 22d, 1845.

## AN ACT

RELATIVE TO THE HARRISBURG, PORTSMOUTH, MOUNT JOY AND LANCASTER RAILROAD COMPANY.

*P. L. 1848, page 177. Approved March 16th, 1848.*

SECTION 1. That it shall be lawful for the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company to make and construct a branch of their road, commencing at a point between Mount Joy and the tunnel on said road, and extending,

May construct branch from Mount Joy to Marietta. See Act April 7, 1848 p. 176.

by one or more tracks, to or near the borough of Marietta, with the privilege of extending to and connecting with the Columbia Railroad, at or near Columbia.

Provisions and restrictions.

SECTION 2. That in constructing and locating the said branch, and after the same shall have been completed, the said Harrisburgh, Portsmouth, Mount Joy and Lancaster Railroad Company shall be subject to all the provisions and restrictions imposed upon the said company under existing laws, as fully and effectually as if the same were herein re-enacted in full detail.

To be constructed within five years.

SECTION 3. That if the said company shall not complete the branch authorized by this act within five years from the date of its passage, then this act shall be null and void; and the Legislature hereby reserves the right to alter, revoke or annul this act whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

Reservation by the Legislature.

The foregoing act was accepted by the stockholders of the Harrisburgh, Portsmouth, Mount Joy and Lancaster Railroad Company, September 1st, 1848.

## A SUPPLEMENT

TO AN ACT ENTITLED "AN ACT APPROVED THE SEVENTEENTH DAY OF MARCH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND FORTY-EIGHT, RELATIVE TO THE HARRISBURG, PORTSMOUTH, MOUNT JOY AND LANCASTER RAILROAD COMPANY."

*P. L. 1848, page 373. Approved April 7th, 1848.*

Relative to constructing branch to Marietta, see Sec. 1, Act March 16, 1848, p. 175.

SECTION 1. That so much of the act approved the seventeenth (sixteenth) day of March, Anno Domini one thousand eight hundred and forty-eight, as provides for constructing a branch of the Harrisburgh, Portsmouth, Mount Joy and Lancaster Railroad, commencing at a point between Mount Joy and the



tunnel, be and is hereby extended, with the privilege of commencing at or near Mount Joy, or a point not further west of the tunnel on said railroad than the borough of Elizabethtown: *Provided, however,* That the said company may make a branch road to leave the main line west of Elizabethtown, and it shall continue, in such case, to keep up and maintain the present road in running order, and to use the same with locomotives and trains as now used.

Proviso.

Branch west of Elizabethtown.

The foregoing act was accepted by the stockholders of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, September 1st, 1848.

## AN ACT

RELATIVE TO THE HARRISBURG, PORTSMOUTH, MOUNT JOY  
AND LANCASTER RAILROAD COMPANY.

*P. L. 1849, page 18. Approved January 26th, 1849.*

SECTION 1. That the president and directors of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company be and they are hereby authorized and empowered to purchase from the president and directors of the Columbia, Marietta and Portsmouth Railroad Company, and from the president and directors of the Columbia, Chiques and Marietta Turnpike Company, upon such terms as may be agreed upon, all the right, title, claim and demand in and to the roads of said respective corporations, to wit: the Columbia, Marietta and Portsmouth Railroad Company, and the Columbia, Chiques and Marietta Turnpike Company, for the purpose of laying rails thereon, under the supplements to the act incorporating the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, passed the seventeenth (sixteenth) day of March, and the seventh day of April, Anno Domini eighteen hundred and forty-eight; and the said Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company is hereby authorized to lay rails on said roads, under the provisions of said supplements.

Authorized to purchase certain railroad and turnpike and build branch road.

See Acts March 17, 1848, p. 175; April 7, 1848, p. 176.



Railroad company  
authorized to sell.

SECTION 2. That the president and directors of the Columbia, Marietta and Portsmouth Railroad Company be and they are hereby authorized to sell and dispose of, upon such terms as may be agreed upon, to the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, all their right, title, claim and demand in and to the road of that corporation, for the purpose of laying rails thereon, under the act and several supplements thereto, relative to the incorporation of the said Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company.

Turnpike company  
authorized to sell.

SECTION 3. That the president and directors of the Columbia, Chiques and Marietta Turnpike Road Company be and they are hereby authorized to sell and dispose of, upon such terms as may be agreed upon, to the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, all their right, title, claim and demand in and to the road of that corporation, for the purpose of laying rails thereon, under the act and several supplements thereto, relative to the incorporation of the said Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company.

## AN ACT

RELATIVE TO THE HARRISBURG, PORTSMOUTH, MOUNT JOY  
AND LANCASTER RAILROAD COMPANY, &C.

*P. L. 1852, page 302. Approved April 9th, 1852.*

To issue new bonds in liquidation of certain other bonds, see Sec. 80, Act March 17, 1838, p. 172; Sec. 2, Act March 17, 1845, p. 175; Sec. 2, Act April 2, 1853, p. 179; Act April 22, 1854, p. 180.

SECTION 6. That the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company be and they are hereby authorized to issue new bonds, to be used in liquidation of their present bonds, secured by two certain mortgages of the said company, the first thereof executed on the twenty-eighth day of April, A. D. eighteen hundred and thirty-eight, in favor of John Moss, Quentin Campbell and Francis Rawle Wharton, trustees for the loan holders, recorded in the recorder's office,

at Lancaster, in mortgage book number eight, page three hundred and fifty-five, &c., and at Harrisburg, in mortgage book I, page two hundred and forty-one, and the other executed on the first day of January, A. D. eighteen hundred and forty-four, in favor of the same trustees, for the loan holders, recorded at Lancaster, in mortgage book number nine, page six hundred and twenty-six, &c., and at Harrisburg, in mortgage book K, page three hundred and five, payable at such extended time, not exceeding twenty-five years from date, as may be agreed upon by the parties, and the said new bonds shall be deemed, held and taken to be secured by the said mortgages as fully and effectually to all intents and purposes, and in the same manner as the present bonds are now secured by the said respective mortgages.

## AN ACT

TO AUTHORIZE THE HARRISBURG, PORTSMOUTH, MOUNT JOY  
AND LANCASTER RAILROAD COMPANY TO LAY AN ADDITIONAL  
TRACK.

*P. L. 1853, page 277. Approved April 2d, 1853.*

SECTION 1. That the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company is hereby authorized to extend or widen the bed of said road, on either or both sides, at such points as may be deemed expedient by the directors, for the purpose of laying additional tracks or sidings thereon, not exceeding in the whole sixty feet in width; and, in making such extension, the company shall be subject to all the provisions, relative to damages, contained in the original charter of said company.

SECTION 2. That the president and directors of said company are hereby authorized to issue bonds, in the corporate name and under the common seal of said company, payable at any period not exceeding thirty years from date, with interest coupons attached, payable semi-annually, at the rate of six per

Authority to widen road.

Damages.

May make loan of \$1,000,000, execute mortgage and issue bonds, see Sec. 80, Act March 17, 1838, p. 172; Sec. 2, Act March 17, 1845, p. 175; Sec. 6,

Act April 9, 1852, p. 178; Act April 22, 1854, p. 180.

May issue additional stock, see Sec. 83, Act June 9, 1832, p. 164; Sec. 80, Act March 17, 1838, p. 172; Sec. 1, Act March 17, 1845, p. 174; Act April 22, 1854, p. 180.

Proviso.

Par of bonds,

cent. per annum, the said bonds not to exceed in the aggregate one million of dollars; and to execute, in the corporate name and under the common seal of said company, a mortgage, to secure the payment of said bonds and interest, upon all or any part of the real and personal property of said company, the tolls and profits thereof; and to sell and dispose of said bonds to enable said company to construct a double track on the whole or any part of their road, as they may deem proper, and to pay off and discharge the mortgage debts of the said company which will become due in one thousand eight hundred and fifty-eight; and the said president and directors are further authorized to issue additional stock in the said company, in lieu of the bonds hereby authorized, and to dispose of the said stock for the above purposes, as the interests of the company may require: *Provided*, That no bonds issued in pursuance of this act shall be for a less amount than one hundred dollars.

The foregoing act was accepted by the stockholders of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, June 27th, 1853.

## AN ACT

### AUTHORIZING THE HARRISBURG, PORTSMOUTH, MOUNT JOY AND LANCASTER RAILROAD COMPANY TO INCREASE THEIR CAPITAL STOCK, AND ISSUE BONDS.

*P. L. 1854, page 482. Approved April 22d, 1854.*

May issue additional stock, see Sec. 83, Act June 9, 1832, p. 164; Sec. 80, Act March 17, 1838, p. 172; Sec. 1, Act March 17, 1845, p. 174; Sec. 2, Act April 2, 1853, p. 180.

May issue bonds, see Sec. 80, Act March 17, 1838, p. 172; Sec. 2, Act March 17, 1845, p. 175; Sec. 6, Act April 9, 1852, p. 178; Sec. 2, Act April 2, 1853, p. 179.

SECTION 1. That the president and directors of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company are hereby authorized to increase their capital stock, or to issue bonds, to an amount not exceeding five hundred thousand dollars, and to sell and dispose of such stock or bonds, and apply the proceeds thereof to increasing the number of tracks on the whole or any part of their road, to making improvements in connection therewith, or to the payment of such

subscriptions to other railroads or canals in this Commonwealth, as they may deem proper to make; and also to make and execute in the corporate name, and under the corporate seal of said company, a mortgage upon the whole or any part of the real and personal property of said company, and the tolls and profits thereof, to secure the payment of said bonds with interest; the bonds to be payable at any period not exceeding thirty years from the date thereof, with coupons attached, at the rate of six per centum per annum, payable semi-annually, and not for a less sum than five hundred dollars.

May execute mortgage to secure bonds.

Time of payment.

The foregoing act was accepted by the stockholders of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, September 1st, 1854.

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## AN ACT

EXEMPTING COAL AND LUMBER FROM THE TONNAGE TAX.

*P. L. 1855, page 459. Approved May 7th, 1855.*

(See page 52.)

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## AN ACT

RELATIVE TO THE HARRISBURG, PORTSMOUTH, MOUNT JOY  
AND LANCASTER RAILROAD COMPANY.

*P. L. 1856, page 241. Approved April 4th, 1856.*

SECTION 1. That the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company be and they are hereby authorized to extend their railroad, with one or more tracks, from the borough of Harrisburg to a point at or near the town of Dauphin, in the county of Dauphin, with the right to connect with

May extend road to Dauphin, and connect with N. C. Ry. and other railroads.



the Northern Central Railway, and with the Dauphin and Susquehanna Railroad, or with either of them, and with any other railroad hereafter to be constructed, whose track shall not be at a greater distance than one mile from the said town of Dauphin; and that for the purpose of such extension, as well as for using and maintaining the same, the said Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company shall have and enjoy all the rights and privileges, and be subject to all the restrictions and liabilities imposed upon the said company under their act of incorporation, and the several supplements thereto.

Provisions of Act of incorporation to apply to such extension.

May sell unsold bonds or stock.

Proviso.

No discrimination for or against other railroads in freight or passenger charges.

Proviso.

Time of commencement and completion.

Proviso.

Subject as to extension to part of general railroad law.

SECTION 2. That for the purpose of constructing the said extension, the directors of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company are hereby authorized to sell or dispose of the unsold bonds and stock of said company: *Provided*, That the said company shall not discriminate for or against any other road connecting with theirs in their charges for passengers and freight, otherwise than the said company may now or hereafter discriminate in said charges upon the said Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad: *And provided further*, That the said company shall commence the said extension within one year, and complete the same within three years from the passage of this act: *Provided*, That the said company, as to the railroad hereby authorized to be constructed, shall be subject to all the rights, benefits and restrictions contained in the last proviso of the eighteenth section of an act entitled "An Act regulating railroads," approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine.

## AN ACT

### RELATIVE TO MEADOW LANE.

*P. L. 1856, page 321. Approved April 11th, 1856.*

Part of Meadow lane Harrisburg, vacated.

SECTION 1. That that portion of Meadow lane, in the borough of Harrisburg, between Market and Chestnut streets, which



has been heretofore granted by the town council of said borough to the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, for the purpose of erecting a suitable depot, be and is hereby vacated as a highway, and the said grant ratified and confirmed to the use of the said company, as fully as was intended by the said town council.

and confirmed to  
company.

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## AN ACT

FOR THE COMMUTATION OF TONNAGE DUTIES.

*P. L. 1861, page 88. Approved March 7th, 1861.*

(See page 93.)

The foregoing act was accepted by the board of directors of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, March 22d, 1861.

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## AN ACT

TO REDUCE THE NUMBER OF DIRECTORS OF THE HARRISBURG, PORTSMOUTH AND MOUNT JOY RAILROAD COMPANY.

*P. L. 1864, page 182. Approved April 1st, 1864.*

WHEREAS, By a supplement to the charter of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, approved June twenty-seventh, Anno Domini one thousand eight hundred and thirty-nine, the number of directors was increased to thirteen:

Preamble.

AND WHEREAS, By contract, dated December twenty-ninth, Anno Domini one thousand eight hundred and sixty, the road was leased to the Pennsylvania Railroad Company, on certain

terms and conditions, whereby the necessity for so large a number no longer exists: therefore,

Number of directors may be reduced to five.

See Sec. 71, Act June 9, 1832, p. 157; Res. June 27, 1839, p. 173.

Quorum.

Vote on such reduction.

SECTION 1. That the stockholders of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company may, at any annual meeting or meetings, reduce the number of directors until they shall not be less than five, of whom a majority shall be a quorum for the transaction of business: *Provided*, At such annual meeting or meetings, a majority of the stock there represented shall vote in favor thereof. Proviso.

The foregoing act was accepted by the stockholders of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad Company, September 2d, 1864.

## AN ACT

AUTHORIZING THE PENNSYLVANIA RAILROAD COMPANY, THE HARRISBURG, PORTSMOUTH, MOUNT JOY AND LANCASTER RAILROAD COMPANY, AND THE READING AND COLUMBIA RAILROAD COMPANY, TO CONSTRUCT AND BUILD A BRIDGE, FOR PUBLIC CONVENIENCE, OVER THEIR RESPECTIVE RAILROAD TRACKS, AT THE CROSSING OF THE PUBLIC ROAD, LEADING FROM THE LANCASTER AND LITIZ TURNPIKE ROAD, TO THE LANCASTER AND HARRISBURG TURNPIKE ROAD, IN THE VILLAGE OF DILLERVILLE, IN MANHEIM TOWNSHIP, LANCASTER COUNTY.

*P. L. 1866, page 798. Approved April 11th, 1866.*

(See page 126.)











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# LEASE.

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THE HARRISBURG, PORTSMOUTH, MOUNT  
JOY AND LANCASTER RAILROAD

TO

THE PENNSYLVANIA RAILROAD COMPANY.

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THIS INDENTURE, Made the twenty-ninth day of December, in the year of our Lord one thousand eight hundred and sixty (1860), between the HARRISBURG, PORTSMOUTH, MOUNTJOY AND LANCASTER RAILROAD COMPANY of the one part, and the PENNSYLVANIA RAILROAD COMPANY of the other part.

WHEREAS, By an act of the General Assembly of the Commonwealth of Pennsylvania, passed the second day of April, Anno Domini one thousand eight hundred and fifty-three, entitled "An Act to authorize the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company to lay an additional track," said company were empowered to issue bonds, not to exceed in the aggregate, the sum of one million of dollars, payable at any period not exceeding thirty years from the date thereof, with interest coupons attached, payable semi-annually at the rate of six per cent. per annum, and to execute under the seal of said company, a mortgage to secure the payment of said bonds and interest, upon all, or any part, of the real and personal property of said company ;

AND WHEREAS, By virtue of said act of assembly, said company, on the first day of July, Anno Domini one thousand eight hundred and fifty-three, executed a mortgage to the Girard Life Insurance, Annuity and Trust Company of Philadelphia, upon all the roads, lands, estate and property of said company, to secure the payment of all bonds issued by said corporation under the power aforesaid : which mortgage is duly recorded at Lancaster, in Mortgage Book No. 13, page 276, and at Harrisburg, in Mortgage Book M. page 6 ;

AND WHEREAS, Said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, have issued bonds to the amount of seven hundred thousand dollars, payable on the

first day of July, Anno Domini one thousand eight hundred and eighty-three, which bonds with the interest coupons attached, are secured by the above recited mortgage ;

AND WHEREAS, The present capital stock of the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, consists of twenty-three thousand six hundred and fifty-one (23,651) shares, at the par value of fifty dollars each, representing one million one hundred and eighty-two thousand five hundred and fifty dollars (\$1,182,550.00), which stock with the said mortgage bonds of seven hundred thousand dollars, represent the total cost of said road, viz: one million eight hundred and eighty-two thousand five hundred and fifty dollars (\$1,882,550.00) ;

AND WHEREAS, At a meeting of the stockholders of the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, held at the Sansom Street Hall, in the city of Philadelphia, on the twenty-seventh day of December, Anno Domini one thousand eight hundred and sixty, it was resolved, that the president and directors of the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company be authorized to accept the terms offered for a lease of the road, by the Pennsylvania Railroad Company, and that they be authorized to execute a lease of the roads and other property of the company, including the use of all franchises, rights and privileges that now exist under acts of assembly, or may hereafter come to exist under acts of assembly, pertaining to said company, for the period, and upon the terms and stipulations in said offer contained, as this day submitted and read, hereinafter particularly mentioned ;

NOW THIS INDENTURE WITNESSETH, That the said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, by virtue of the power and authority contained in the third section of the act of assembly, entitled "An Act for the sale of the main line of the public works," approved the sixteenth day of May, A. D. 1857, and in pursuance of the directions of the stockholders of said company as aforesaid, and for, and in consideration of the rents, payments, covenants, provisoes and



agreements hereinafter reserved and contained, and which, on the part and behalf of the said Pennsylvania Railroad Company and their successors, are to be paid, done and performed, do hereby demise, lease and let unto the said Pennsylvania Railroad Company, their successors and assigns, for the period of nine hundred and ninety-nine years, commencing on the first day of January, Anno Domini one thousand eight hundred and sixty-one, all the railroad of said company extending from Harrisburg, in Dauphin county, to Dillerville, in Lancaster county, and the branch road connecting with the main road near Portsmouth, in said Dauphin county, and extending thence to Columbia, in said Lancaster county, and all the lands, depots, water stations, bridges, and estate, real, personal and mixed, belonging to said company, along the line of said roads, and at the termini thereof. Together with all the rights, privileges and appurtenances thereunto belonging, with the right to use the franchises and privileges of every character, either on the line of the road or elsewhere. To hold the same unto the said Pennsylvania Railroad Company, their successors and assigns, for, and during the said term of years, with full power and authority to demand and receive such sum or sums of money for tolls and transportation of persons and property over said roads, as said lessee may lawfully charge, and generally all the income, revenue, emoluments and profits to be derived therefrom, and with power to secure such legislation as in the judgment of the lessees may seem desirable, in the name of the parties, lessors: *Provided only*, That thereby the security of the parties, lessors, shall not be impaired. Subject, however, to the conditions, agreements and covenants herein contained, viz: that said lessee shall keep all the said estate and premises demised, in good order and repair at all times during said term, and shall reconstruct and renew the same as often as may be needful, and shall at all times maintain and keep the roads of the said company in as good operating condition, as they do their own roads connecting therewith. That said lessee shall pay all taxes assessed, or that may be hereafter assessed by law, on the capital stock, dividends and property of the said company, and all charges and expenses attending said roads, and assume and pay all claims, liabilities and responsibilities of whatever

kind during the continuance of this lease; at all times holding, and keeping harmless and indemnified, said lessors from all claims, suits, actions, judgments, damages and costs of whatever kind. That all claims or demands existing between said lessees and said lessors, shall be considered as settled, on the execution of this lease, not including the earnings of November and December, Anno Domini one thousand eight hundred and sixty. That said lessees shall assume the contract and pay for the iron bridge, contracted for, and to be erected by Messrs. Stone, Quigley & Burton, over the Union canal, east of Middletown. That said lessee shall in all respects comply with the provisions of the charter of the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, and the supplements thereto, and all laws now in force, or which may hereafter be enacted, applicable to said company. That said lessee shall punctually pay the interest on said hereinbefore mentioned mortgage bonds of seven hundred thousand dollars, as the same shall become due to the holder, or holders, of said bonds, or the coupons thereto attached, and upon the maturity of said bonds, provide for the payment of the principal thereof, or, if authorized by law, for their renewal or conversion into stock of the said company. And further, that said lessee shall pay for the use and privilege of said roads, to the said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, the clear yearly rent or sum of eighty-two thousand seven hundred and seventy-eight dollars and fifty cents (\$82,778.50), payable in equal half yearly payments on the first day of the months of July and January, during said lease, said sum being equal to a dividend of seven per cent. per annum to the stockholders, and to be paid said company free from deductions or abatement for taxes or other charges whatever. That said lessee shall pay to said company, the further sum of two thousand dollars (\$2000) per annum, to be expended by the latter in keeping up the organization of said company. And the officers of the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, shall perform such duties for the Pennsylvania Railroad Company, as will not interfere with their duties to the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, as may be hereafter agreed upon by the presidents of the

respective companies. And the said Pennsylvania Railroad Company, for themselves, their successors and assigns, hereby covenant, promise and agree, to and with the said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, their successors and assigns, that they, the said Pennsylvania Railroad Company, shall and will truly and faithfully comply with, and fulfill all the terms, conditions, stipulations and agreements hereinbefore set forth, viz: that said estate and premises shall be kept in good order and repair, at all times during the said term, and shall be renewed and reconstructed as often as may be needful, and that the said roads shall at all times be kept in as good operating condition, as they do their own roads connecting therewith. That they will pay all taxes assessed, or that may hereafter be assessed by law, upon the capital stock, dividends and property of the said company, and all charges and expenses attending said roads, at their own cost. That they will assume the contract for the iron bridge, to be erected over the Union canal, and pay the cost of the same. That they will comply with the provisions of the charter of said lessors, and all laws now in force, or which may hereafter be enacted, applicable to said company or their property. That they will punctually pay the interest coupons attached to said mortgage bonds, and upon the maturity of said loan, provide for the payment of said bonds, or if the Pennsylvania Railroad Company so elect, they may, if authorized by law, renew said debt of seven hundred thousand dollars, by converting bonds into the stock of said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, on the same footing with the present stock, the holders of said new stock to have all the rights of the present stockholders. And that they will punctually pay said interest on the loan or dividends during the continuance of said lease. And the said Pennsylvania Railroad Company, hereby covenants and agrees to pay to said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, their successors and assigns, for the use and benefit of the stockholders of the said company, the stipulated annual rent, or sum of eighty-two thousand seven hundred and seventy-eight dollars and fifty cents, equal to a dividend of seven per cent. per annum on said stock, payable in half yearly payments on the first day of the months of July



and January, and the further sum of two thousand dollars per annum, payable quarterly, on the last day of the months of March, June, September and December, to enable said company to meet and defray the current annual expenses of the corporation as aforesaid.

*And it is further agreed*, By and between the said parties hereto, that the stockholders in the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, shall severally, have the right and privilege, at any time within ten years from the date hereof, to convert their stock into an equal number of shares of the stock of the Pennsylvania Railroad Company, and upon such conversion, the said stock in the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, shall become the property of the Pennsylvania Railroad Company.

*And it is hereby expressly covenanted and agreed*, That in case of failure on the part of said Pennsylvania Railroad Company, for the space of thirty days after receiving written notice, to do, fulfil and perform all and every of the acts, terms, stipulations, conditions and agreements hereinabove contained, this lease shall, at the option of the said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, at once cease, determine and become void; and the said company, their successors and assigns, shall have the right to re-enter, resume and take possession of said roads and estate, with the appurtenances, and shall have the right to demand, sue for and recover, all rent, interest, and other sums of money then in arrear and unpaid, and all such damages as they may sustain by reason of the breach of said covenants. In the event of a breach of the foregoing covenants on the part of the said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, the Pennsylvania Railroad Company shall have the right to sue for and recover all damages that they may in any manner be subjected to in consequence of such violation.

And for the purpose of enabling the said Pennsylvania Railroad Company to effect a renewal of said mortgage bonds at maturity, the said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, hereby makes, constitutes and appoints the said Pennsylvania Railroad Company, their successors and assigns, their sufficient and lawful attorney, with full and ample power and authority to negotiate for a renewal

of said loan, or a new loan ; and in the corporate name of said company to issue bonds therefor (but if necessary to the legality of said bonds for renewal, they shall be executed and signed by the officers of said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company), not to exceed in the aggregate the said sum of seven hundred thousand dollars, bearing interest not exceeding six per cent. per annum, or issue stock as hereinbefore stipulated ; the proceeds of which new loan or stock shall be applied to the payment and discharge of said existing bonds, and full and ample power and authority is hereby given and granted to said attorney, in the corporate name of and for and on behalf of said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company, to execute, seal, sign and deliver a new mortgage to secure the payment of said bonds, with the interest to accrue thereon, upon all or any part of the railroads and real and personal estate of said constituent, and the tolls and profits thereof, in accordance with the provisions of said act of assembly, approved the second day of April, Anno Domini one thousand eight hundred and fifty-three, or any other act of assembly ; or if said Pennsylvania Railroad Company, as attorney, cannot legally execute said mortgage, then the officers of the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company shall execute the same.

*In Witness Whereof*, The said parties to these presents have hereunto caused their respective corporate seals to be set and affixed. Done interchangeably the day and year first hereinbefore written.

MICHAEL V. BAKER,

*President.*

Sealed and delivered )  
in presence of us, }

WM. J. PALMER,

Attest,

HENRY G. BOOZ,

GEORGE TABER,

JNO. HOLMES,

*Secretary.*

JOHN HULME.



J. EDGAR THOMSON,

*President.*

Attest,

EDMUND SMITH,

*Secretary.*







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THE  
WRIGHTSVILLE, YORK AND GETTYSBURG  
RAILROAD COMPANY.

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## A SUPPLEMENT

TO THE ACT ENTITLED "AN ACT AUTHORIZING THE GOVERNOR TO INCORPORATE THE STRASBURG RAILROAD, THE WILLIAMSPORT AND ELMIRA RAILROAD, THE MARIETTA AND COLUMBIA RAILROAD, THE PORTSMOUTH AND LANCASTER RAILROAD, AND INCORPORATING A COMPANY TO MAKE THE OXFORD RAILROAD, AND RELATIVE TO THE CUMBERLAND VALLEY RAILROAD AND THE WRIGHTSVILLE, YORK AND GETTYSBURG RAILROAD."

*P. L. 1834-35, page 377. Approved April 15th, 1835.*

SECTION 5. Alexander Small, Henry Welsh, Walter S. Franklin, James Lewis, Michael Doudel, Thaddeus Stevens, James B. Latimer, Philip A. Small, Daniel Small, Robert J. Fisher, William H. Kurtz, John Gardner, Robert Boyd, Thomas C. Miller, James A. Thompson, Charles A. Barnitz, William White, John S. Futhey, John Kauffelt, Thomas McGrath, are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they or any three of them shall procure a sufficient number of suitable books and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Wrightsville and York Railroad Company, the sum of fifty dollars for every share of stock set opposite our respective names and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled 'An Act authorizing the Governor to incorporate the Wrightsville and York Railroad Company;' witness our hands the day of                      Anno Domini one thousand eight hundred and thirty-                      " and shall thereupon give at least twenty days' previous public notice in four newspapers printed

Commissioners.

Three may act.

Form of subscription.

Shares \$50 each.

Duties of Commissioners specified.

in the county of York, and in two of the daily papers printed in the city of Philadelphia, of the times when and the places where some one or more of the aforementioned commissioners will attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day for the space of three days or until there shall be subscribed in the said books three thousand shares, and if at the expiration of three days the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners at their discretion may adjourn from time to time and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may to them seem to require; but no subscription shall be valid unless the person so subscribing shall pay to the said commissioners at the time of making the same, the sum of one dollar on each share for the use of the company.

Whole number of  
shares 3000.

\$1 to be paid on each  
share.

Arrangement for fair  
distribution of stock.

SECTION 6. That if more than three thousand shares shall be subscribed in the time specified in the first section, to the capital stock of the said company, the said commissioners or a majority of them shall reduce the subscription to three thousand shares, by striking off from the largest number of shares in succession until the subscriptions shall be reduced to three thousand shares or each of the subscriptions to one share, and if there shall be still an excess, then lots shall be drawn by the commissioners to determine who shall be excluded.

Commissioners to  
certify subscriptions.

SECTION 7. That when one thousand shares or more shall be actually subscribed, and one dollar on each share paid to said commissioners, the said commissioners or a majority of them shall certify the same under oath or affirmation to the Governor of this Commonwealth, and on the receipt of such certificate the Governor shall by letters patent, under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole

Governor to issue  
letters patent.



number of shares aforesaid, into a body corporate and politic, in deed and in law by the name, style and title of "The Wrightsville and York Railroad Company," and by the same name the subscribers shall have perpetual succession and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy to them and their successors and assigns lands, tenements and hereditaments, goods, chattels and all estates real, personal and mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving the said corporation any banking privileges or any other liberties, privileges or franchises but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers and the transportation of goods, merchandise and commodities thereon.

Title.

See Sec. 1, Act Feb. 28, 1837, p. 208.

Rights, powers, &amp;c.

Seal.

Proviso.

Operations to be confined to specific objects of charter.

SECTION 8. For the management of the affairs of the said corporation, seven directors shall be elected by ballot, annually by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations not inconsistent with the Constitution and laws of the United States and of this Commonwealth, as may be necessary for the well ordering of the affairs of the said company: *Provided*, That none but stockholders shall be eligible to be elected directors, and that at every such election and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote,

Annual election of directors.

See Sec. 8, Act Feb. 28, 1837, p. 210.

President.

By-laws, rules, &amp;c.

Proviso.

Directors must be stockholders.

Each share of stock to have one vote.

and also that in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected.

What shareholders  
may vote.

SECTION 9. No share of stock shall be entitled to a right of suffrage which shall not have been held three calendar months prior to the day of election, nor unless it shall be held by the person in whose name it appears absolutely and *bona fide* in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, corporation or society, of which he or she may be a member, and not in trust for the use and benefit of any other person; that no share or shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election, and no share or shares shall be entitled to vote at any election or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previously to the said election or meeting, and that all votes by proxy shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An Act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented.

Proxies.

Proviso.

Provisional election  
of directors.

SECTION 10. The aforesaid commissioners or a majority of them shall as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days' previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing seven directors as provided for in the preceding sections, and that annually thereafter the said stockholders shall meet on the third Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall not be held at the time specified therefor, the

Time of annual  
election.

See Sec. 8, Act Feb.  
28, 1837, p. 210.

Proviso.

Cases of neglect  
or omission.











same may be held at any other time on notice as aforesaid ; that until such election be held the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided, also,* That in case of any vacancy from death or resignation of any director his place shall be filled by the board of directors.

SECTION 11. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who in the absence of the president, may appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company, the share or shares of every person failing to pay any instalment so required; to regulate tolls; to make such covenants, contracts and agreements with any person, copartnership or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all receipts, disbursements and other affairs and proceedings of the company.

SECTION 12. The directors first chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal, subject however, to all the payments due and to grow due thereon, which stock shall be transferable in person or by attorney; executors, administrators, guardians or trustees under such regulations as may be provided by the by-laws.

SECTION 13. At each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a

Meetings of stock-  
holders.

complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the directors or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Right to locate and  
construct a railroad.  
See Sec. 5, Act Feb.  
28, 1837, p. 209.

SECTION 14. The said company be and they are hereby authorized as soon as they conveniently can, to locate and construct a railroad of one or more tracks from the borough of Wrightsville to the borough of York to Beaver street, north of Princess street, in said borough; and to make, construct and erect such warehouses, toll houses, carriages, cars and all other works and appendages necessary for the convenience of the said company in the use of the said railroad.

Right of entry to  
locate and construct  
road.

SECTION 15. It shall and may be lawful for the said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of the said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such land, and also to take from any land in the neighborhood, gravel, stone, wood and other materials for the purpose of constructing and maintaining such railroad, subject however, to such compensation as the company may have agreed to pay therefor, or as shall be ascertained in manner hereinafter respectively directed.

Materials.

Compensation.

Mode of ascertaining  
damages to land, and  
value of materials.

SECTION 16. When the said company cannot agree with the owner or owners of such required land for the purchase thereof, or for the damages sustained by such owner or owners, or as to the value of the compensation to be paid to the owner or owners of any sand, gravel, stone, wood or other material taken for the purpose aforesaid, or where by reason of legal

incapacity or absence of any such owner or owners, no such agreement or purchase can be made, the Court of Common Pleas for the proper county, on application thereto by or on behalf of either party, and at the cost and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county to summon the said twelve persons to meet on the land so required or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff upon receiving the said warrant shall forthwith summon the said twelve persons and shall give at least eight days' notice to the respective parties, and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared shall, in the case of land so required, administer to each of them an oath or affirmation that he will faithfully, justly and impartially value the said land occupied or required for such railroad or other works, and all damages which the owner or owners shall sustain or may have sustained by reason of the construction of the said railroad and other works, taking in consideration the advantages as well as the disadvantages of the same to the said owner or owners according to the best of his skill and judgment, and in the case of materials taken for the purpose aforesaid, that he will faithfully, justly and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company to the said owner or owners, taking into consideration the advantages as well as the disadvantages arising from the construction of such railroad and other works to the said owner or owners, according to the best of his skill and judgment; whereupon the said persons shall proceed to view the land so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties; and their verdict, signed by the sheriff and at least seven of the jury, shall be returned by the sheriff within five days thereafter to the prothonotary of the said county, who shall file the same; and the said sheriff and persons shall be entitled to the like fees for their respective services as are allowed to the execution of an order issued by the Orphans'

Appointment of  
viewers.

Oath.

Verdict.

Fees.



Court for the valuation of lands of an intestate, under the intestate laws of this Commonwealth.

Right of appeal from  
verdict of jury.

SECTION 17. Either party shall be at liberty to make exceptions to any verdict rendered according to the provisions of the preceding section within twenty days after the same shall be returned and filed by the prothonotary as aforesaid, which exceptions shall be heard by the Court of Common Pleas of the proper county, who may either affirm or set aside the same as shall be lawful and right, and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given, but if any such verdict be set aside by the court, a new precept shall issue to the sheriff in the manner before specified: *Provided*, That upon the subsequent proceedings if the party excepting does not recover a verdict more favorable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

Proviso.

Liability of appellant  
for costs.

Erection of public  
and private cause-  
ways.

SECTION 18. It shall be the duty of the said company to construct and keep in repair good and sufficient passages across the said railroad, where any public roads shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said roads, shall not be obstructed and also when the said railroad shall intersect any farm to provide and keep in repair a suitable passage for the use of said farm.

Road to be a highway.

SECTION 19. On the completion of the said railroad, the same shall be esteemed a public highway for the conveyance of passengers and transportation of merchandise and commodities under such regulations as shall be prescribed by the directors, and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls of persons and property as they shall from time to time think reasonable: *Provided*, That the toll on any species of property shall not exceed five cents per ton per mile, nor upon passengers more than two cents each per mile.

Tolls.

Proviso.

Limit of tolls.

Penalty for passing  
toll houses without  
paying.

SECTION 20. If any owner or driver of any car, carriage, wagon or conveyance upon the said railroad, shall pass by any



place appointed for receiving tolls without making payment thereof with intent to defraud the said company, he, she or they so offending shall forfeit and pay for every such offence for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace in like manner and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered together with costs of suit.

SECTION 21. Dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders or their legal representatives on demand at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto shall be liable in their individual capacities to the said company for the amount of the stock so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders at the declaring such dividend.

Semi-annual declaration of dividends.

Not to impair capital.

Directors may be liable.

SECTION 22. No suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, or the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Suits for penalties must be commenced within one year from offence.

SECTION 23. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company, in pursuance of this act, or shall in any manner obstruct the free passage along the said

Penalty for wilful injury to works of company.

How recovered. railroad, he, she or they shall forfeit and pay to the said company three times the actual damage thereby sustained, to be sued for and recovered with costs of suit in any court having cognizance thereof by action of debt, in the name and for the use of the company.

Time of completion. SECTION 24. If the said company shall not carry into effect the objects of their charter within the term of ten years from the passing of this act, or if after the completion of the said Forfeiture of charter for neglect. railroad, the said corporation shall suffer the same to go to decay, and be impassable for the term of one year, then the charter shall become null and void, except so far as compels said company to make reparation for damages.

## AN ACT

### TO INCORPORATE THE WRIGHTSVILLE AND GETTYSBURG RAILROAD COMPANY.

*P. L. 1835-36, page 153. Approved March 21st, 1836.*

Mode of ascertaining damages to land. SECTION 13. Whenever it shall be necessary for the said president, directors, and company, to enter in and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for How to be estimated. the parties to appoint five suitable and disinterested citizens of the counties of York and Adams, to estimate such damage, who shall be under oath or affirmation, fairly and impartially to estimate the same, and the expenses incurred by the said appraisers shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such lands shall refuse or neglect to join in such

appointment, within twenty days after the requisition for that purpose upon him, or if such owner shall be *feme covert*, under age, *non compos mentis*, out of the State, or unknown, then it shall be lawful for the Court of Common Pleas of the County of York or Adams, on application of either party, and at the cost and charges of said corporation, to appoint five disinterested men of said county to view, examine, and survey the said lands, tenements, and hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained, as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands, from the said railroad: *Provided*, That either party may appeal to the court within twenty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year eighteen hundred and ten, and upon the coming in of such report, and the confirmation thereof, or upon final judgment on appeal therefrom; and the said company shall pay to such owner the sum in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, Upon payment or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and manager of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as hereinbefore prescribed.

Appointment of  
viewers.

Report.

Fees.

Proviso.

Right of appeal.

Proviso.

Tender of compensa-  
tion.

## AN ACT

TO UNITE THE WRIGHTSVILLE AND YORK RAILROAD, AND THE  
WRIGHTSVILLE AND GETTYSBURG RAILROAD COMPANIES INTO  
ONE COMPANY, AND FOR OTHER PURPOSES.

*P. L. 1836-37, page 25. Approved February 28th, 1837.*

Companies united.

SECTION 1. That if the respective companies assent thereto, and certify such assent to the Governor, under their corporate seals, on or before the fifteenth day of April next, then the Wrightsville and Gettysburg Railroad Company, and the Wrightsville and York Railroad Company, shall be united and become one company, under the title, style and name of the Wrightsville, York and Gettysburg Railroad Company, with the following rights, powers and immunities :

Privileges and  
liabilities.

See Act April 15, 1835,  
p. 197.

SECTION 2. The stockholders of both the aforesaid companies shall be deemed to have been, and are hereby incorporated under the charter of the Wrightsville and York Railroad Company, and entitled to all the privileges, and subject to all the liabilities of the act under which said charter was obtained, entitled "A supplement to an act entitled An Act authorizing the Governor to incorporate the Strasburg Railroad, the Williamsport and Elmira Railroad, the Marietta and Columbia Railroad, and relative to the Cumberland Valley Railroad, and the Wrightsville, York and Gettysburg Railroad," and the said last mentioned act shall be in full force, and govern the operations and powers of the companies hereby united, except so far as the same is altered or repealed by this act.

Capital stock.

SECTION 3. The capital stock of the company shall be twenty thousand shares, of fifty dollars each, with power to increase the same to thirty thousand shares.

Stockholders of both  
companies bound for  
subscriptions.

SECTION 4. The stockholders of both the companies hereby united, shall be stockholders in this company, and bound to pay the amounts by them respectively subscribed, as they would have been in the original companies if this act had not been passed ; any suit brought, or which may hereafter be

Suits against



brought, in the name of either of the original companies, shall not abate by reason of the passage of this act, but shall be prosecuted to final judgment, in the same manner as if this act had not been passed.

either company not to abate.

SECTION 5. The Wrightsville, York and Gettysburg Railroad Company are authorized and required, within four years, to locate and construct a railway, with single or double tracks, from the railroad belonging to the Commonwealth, at or near the west end of the Columbia bridge, in the borough of Wrightsville, through York, to unite with the Gettysburg extension of the Philadelphia and Columbia Railroad at Gettysburg, to be of the same width as the Philadelphia and Columbia Railroad, and its intersection with the State railroads is hereby authorized.

Time for completion of road.  
See Res. Feb. 27, 1839, p. 212.

SECTION 6. The road shall be so constructed as to allow the locomotive engines and cars used on the Philadelphia and Columbia Railroad to pass from end to end of the same, and the Commonwealth of Pennsylvania shall at all times have the privilege of passing the locomotive engines and cars used by it on the Philadelphia and Columbia Railroad, and its extensions, from end to end of said road, by paying the same tolls, and being subject to the same regulations as other companies or individuals.

Regulating the passing of locomotives and cars.

SECTION 7. The York and Maryland Line Railroad Company shall have the perpetual right of the use of said road, from Wrightsville to York, upon the same terms of any other company, individual, or the Commonwealth of Pennsylvania: *Provided*, That the said York and Maryland Line Railroad Company grant the same privilege to the Wrightsville, York and Gettysburg Railroad Company, and the Commonwealth of Pennsylvania, to such part of its road as may lie between its intersection with the Wrightsville, York and Gettysburg Railroad in the borough of York, and the intersection of the Wrightsville, York and Gettysburg Railroad with the said York and Maryland Line Railroad, at any place west or south of the borough of York, if such intersection should take place, and said intersection is hereby authorized.

Relative to the Y. & M. L. R. R. Company.

Proviso.



Number of directors,  
and president; when  
to be chosen.

SECTION 8. The officers of the company shall consist of a president and eight directors, to be chosen on the first Tuesday in September annually, in the manner specified in section eight of the act to incorporate the Wrightsville and York Railroad Company, and until the first Tuesday of September next, the president and directors now in office of the two companies hereby united, shall be the officers of said company, and choose their president by a majority of votes, at a joint meeting of the two companies, regularly called.

Liabilities.

SECTION 9. The company created by this act shall be liable for all the debts contracted and liabilities of both the original companies, and any security granted by either of said companies to individuals or bodies corporate, shall be and remain unaffected by this act.

Viewers to assess  
damages.

SECTION 10. The viewers to assess damages, to be appointed by the court, shall be selected out of one of the counties adjoining those in which the property of the applicant lies, notice to be served by the sheriff of the county in which the viewers reside; such viewers shall receive one dollar per day for each day employed in such view, or in going to and from the place of such view.

When profits may be  
divided.

SECTION 11. Whenever any ten or more miles of said road shall be finished, and profits realized from the use thereof, the directors may divide such profits among the stockholders, in proportion to the amount by them respectively paid: *Provided*, That no stockholder shall be entitled to any dividend for any money paid within six months of the time of such distribution.

Proviso.

Power to borrow  
money.

SECTION 12. The company shall have power to borrow money to pay its debts, and construct and stock the road, and pledge the fee simple of all their property, rights and privileges, for the security and re-payment thereof.

Charter of W. & G.  
R. R. Company.

SECTION 13. When this act shall have been assented to by both the companies, in the manner above specified, the charter of the Wrightsville and Gettysburg Railroad Company shall become void, except so far as to prosecute any claims due to it, or settle any legal controversy in which it may be engaged.

## AN ACT

AUTHORIZING THE GOVERNOR TO INCORPORATE THE BRISTOL STEAM TOWBOAT AND TRANSPORTATION COMPANY, AND FOR OTHER PURPOSES.

*P. L. 1837-38, page 657. Approved April 16th, 1838*

WHEREAS, The Governor is now authorized and required by law to subscribe stock in the Gettysburg and Hagerstown Turnpike Road Company : Preamble.

AND WHEREAS, The necessity for said turnpike is in a great measure superseded by the location of the railroad from Wrightsville to Hagerstown : therefore

SECTION 13. In lieu of the stock authorized to be subscribed in said turnpike road company, the Governor is hereby authorized and required to subscribe an equal amount, to wit : four hundred shares of fifty dollars each in the capital stock of the Wrightsville, York and Gettysburg Railroad Company : Governor authorized to subscribe to the stock of the W., Y. & G. R. R. Company.  
*Provided*, A majority of the commissioners and stockholders of said turnpike road company consent thereto in writing, delivered to the Governor : Proviso.  
*And provided further*, That the said money be expended [if all be necessary] in the payment of damages caused by the location of said road between Wrightsville and York : Proviso.  
*And provided further*, That the said Wrightsville, York and Gettysburg Railroad Company consent, in writing, delivered to the Governor on or before the first day of July next, that the damages caused or to be caused by the location of said road, not yet settled or assessed, shall be appraised by the State appraisers, the cost to be paid by the company, and paid before any work shall be done on said road west of the borough of York, or secured to be paid within six months after said appraisement ; and all parts of the charter of said Wrightsville, York and Gettysburg Railroad, inconsistent with this act, are hereby repealed, if the above conditions be assented to by said company as aforesaid : Proviso.  
*And provided*, That no stock shall be subscribed by the State to the Gettysburg and Hagerstown Turnpike Road Company in case this act takes effect. State appraisers to assess damages.  
Parts of charter of W., Y. & G. R. R. Company repealed.

## RESOLUTION

RELATIVE TO THE WRIGHTSVILLE, YORK AND GETTYSBURG  
RAILROAD COMPANY.*P. L. 1838-39, page 641. Approved February 27th, 1839.*

Time for completion  
of road extended; see  
Sec. 5, Act Feb. 28,  
1837, p. 209.

When road between  
Gettysburg and York  
to be commenced.

Proviso.

Statement of applica-  
tion of appropriation  
to be furnished to  
Legislature.

*Resolved*, That the time within which the Wrightsville, York and Gettysburg Railroad Company are required to construct a railway to Gettysburg, as contained in the fifth section of an act, entitled "An Act to unite the Wrightsville and York Railroad and the Wrightsville and Gettysburg Railroad Companies into one company and for other purposes," passed the twenty-eighth day of February, Anno Domini one thousand eight hundred and thirty-seven, shall be extended for ten years, so far as it relates to those parts of the road lying between York and Gettysburg, and that part between Gettysburg and York shall be commenced as soon only as the company can procure funds for that purpose; and if the road from York to Gettysburg shall not be completed within ten years, the right to make a road between those points, on the same line, may be granted by the State to any other company, but no forfeiture shall be incurred, of the work done between Wrightsville and York, on account of the want of completion of the road between York and Gettysburg, and if one half or more of the road between York and Gettysburg shall be completed within said term of years, no forfeiture shall take place of the part so completed. *Provided*, That the company shall finish the road from Wrightsville to York within two years from the passage of this act. That the president and managers of said company, shall, within one month after the passage of this act, furnish to the Legislature a statement, under oath or affirmation, setting forth how and in what manner, the moneys appropriated and paid over to said company by the thirteenth section of the act of the sixteenth April, Anno Domini eighteen hundred and thirty-eight, entitled "An Act authorizing the Governor to incorporate the Bristol Steam Towing Boat and Transportation Company and for other purposes," have been expended.

Preamble.

WHEREAS, It is represented that the Baltimore and Susquehanna Railroad Company loaned a large amount of money

to the Wrightsville and York Railroad Company, under the original charter of the said Wrightsville and York Railroad Company.

AND WHEREAS, The Baltimore and Susquehanna Railroad Company are willing to subscribe as stock in the Wrightsville, York and Gettysburg Railroad Company, the amount of its original loan to the York and Wrightsville Railroad Company : therefore,

*Resolved*, That the Wrightsville, York and Gettysburg Railroad Company, be, and the same is hereby authorized to make such agreement or agreements with the Baltimore and Susquehanna Railroad Company, as the Wrightsville, York and Gettysburg Railroad Company may find necessary and proper in order to complete the railroad between York and Wrightsville, giving and granting to the said Baltimore and Susquehanna Railroad Company, the right to hold stock in the said Wrightsville, York and Gettysburg Railroad Company or otherwise, as the said company may think proper and find necessary to finish the road between York and Wrightsville.

Loan by the B. & S.  
R. R. Company, how  
to be adjusted.

*Resolved*, That so much of the fifth section of the act afore-said, as is hereby altered or supplied is hereby repealed.

## AN ACT

TO AUTHORIZE S. B. YOUNG, GUARDIAN OF EMANUAL AND WILLIAM BOWSER, MINOR CHILDREN OF MATTHIAS BOWSER, LATE OF ARMSTRONG COUNTY, DECEASED, TO SELL AND CONVEY CERTAIN REAL ESTATE, AND FOR OTHER PURPOSES.

*P. L. 1841, page 233. Approved April 21st, 1841.*

SECTION 2. That it shall and may be lawful for the Wrightsville, York and Gettysburg Railroad Company to construct a branch of their road to and along the shore of the river Susquehanna, at Wrightsville, in order to accommodate the business

Power to construct a  
branch.



Proviso.

Proviso.

Damages.

See Sec. 13, Act March 21, 1836, p. 206; Sec. 10, Act Feb. 28, 1837, p. 210.

of said road: *Provided*, That the same shall not exceed two miles in length: *Provided*, That if any damage be done to private property by the construction of said branch, it shall be ascertained and settled according to the provisions of the thirteenth section of the act of March twenty-first, eighteen hundred and thirty-six, entitled "An Act to incorporate the Wrightsville and Gettysburg Railroad Company," and the tenth section of the act of February twenty-eighth, eighteen hundred and thirty-seven, entitled "An Act to unite the Wrightsville and York Railroad and the Wrightsville and Gettysburg Railroad Companies into one company, and for other purposes."

## A SUPPLEMENT

### TO THE ACT INCORPORATING THE SUSQUEHANNA RAILROAD COMPANY.

*P. L. 1852, page 429. Passed April 24th, 1852.*

Authorized to subscribe to stock of Susquehanna R. R. Company.

SECTION 3. That it shall be lawful for the constituted authorities of the York and Maryland Line Railroad Company, the York and Cumberland Railroad Company, and the Wrightsville, York and Gettysburg Railroad Company, with the assent of the stockholders thereof expressed in the usual manner, to subscribe to the capital stock of the Susquehanna Railroad Company, or to loan to said company a sum not exceeding five hundred thousand dollars, to be apportioned between said companies as may be agreed upon by their stockholders respectively, and to pay for the same in cash or the bonds of the said York and Maryland Line, the York and Cumberland, and Wrightsville, York and Gettysburg Railroad Companies, as may be agreed upon by said companies and the Susquehanna Railroad Company: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.

Proviso.

Right to mortgage property and revenues.

SECTION 4. That for the purpose aforesaid, the said York and Maryland, the York and Cumberland, and the Wrightsville,



York and Gettysburg Railroad Companies, be, and they are hereby authorized to mortgage the property and revenues of their respective companies.

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## AN ACT

EXPLANATORY OF THE THIRD AND FOURTH SECTIONS OF THE  
SUPPLEMENT TO THE ACT INCORPORATING THE SUSQUEHANNA  
RAILROAD COMPANY.

*P. L. 1853, page 36. Approved February 4th, 1853.*

SECTION 1. That the third and fourth sections of the act of assembly, passed the twenty-fourth day of April, one thousand eight hundred and fifty-two, entitled "A Supplement to the act incorporating the Susquehanna Railroad Company," shall be so construed, and the true intent and meaning of the same is hereby declared to be, that the York and Maryland Line Railroad Company, the York and Cumberland Railroad Company, and the Wrightsville, York and Gettysburg Railroad Company may either separately or collectively, or any one of them, subscribe to the capital stock of the Susquehanna Railroad Company, or loan to the said company a sum not exceeding five hundred thousand dollars.

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## AN ACT

TO AUTHORIZE THE WRIGHTSVILLE, YORK AND GETTYSBURG  
RAILROAD COMPANY TO SELL THEIR RAILROAD AND APPURTENANCES, PROPERTY, REAL AND PERSONAL, CORPORATE RIGHTS AND FRANCHISES, TO THE PENNSYLVANIA RAILROAD COMPANY.

*P. L. 1870, page 1008. Approved April 6th, 1870.*

(See page 136.)

## AN ACT

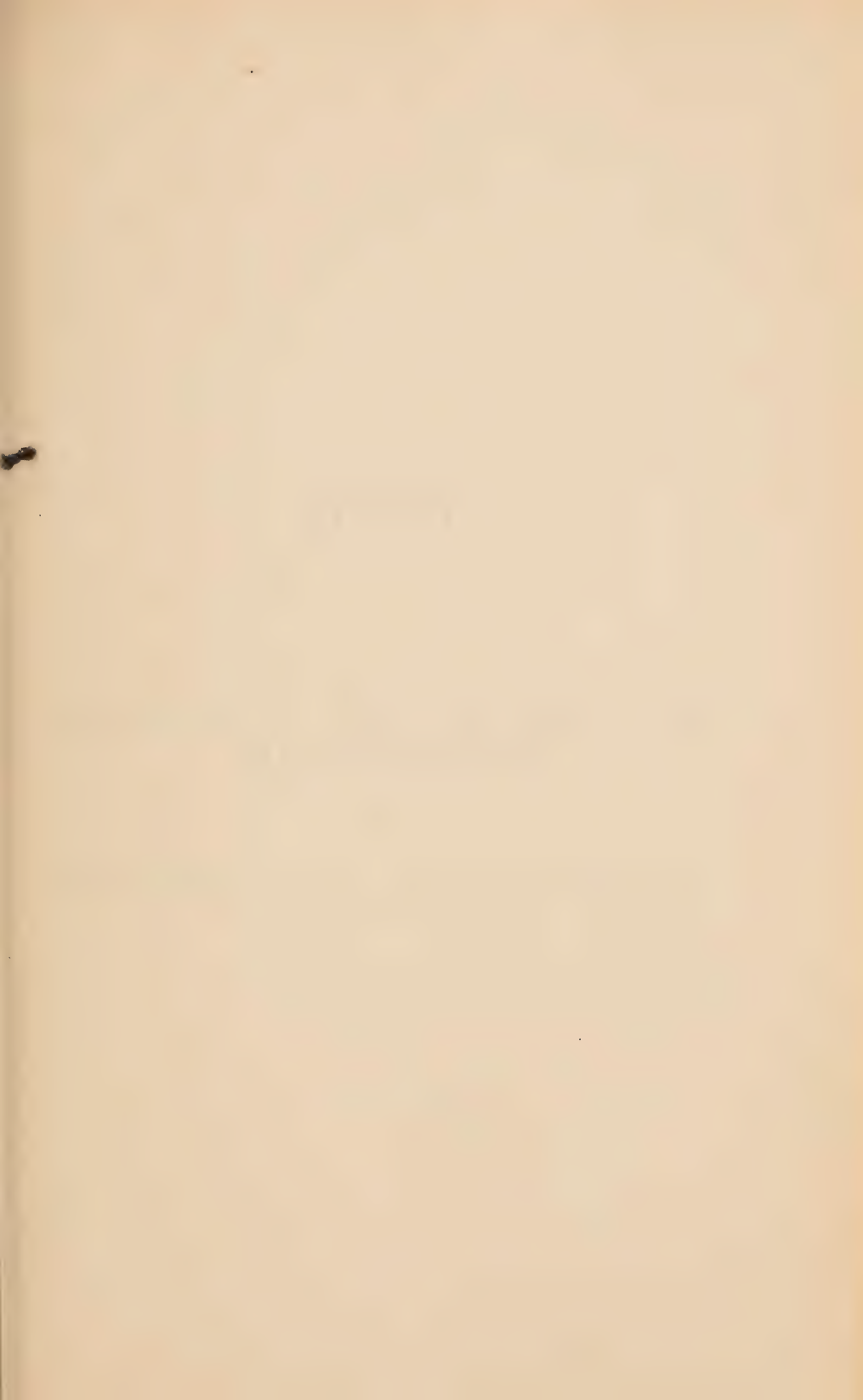
SUPPLEMENTARY TO THE ACT ENTITLED "AN ACT TO AUTHORIZE THE WRIGHTSVILLE, YORK AND GETTYSBURG RAILROAD COMPANY TO SELL THEIR RAILROAD AND APPURTENANCES, PROPERTY, REAL AND PERSONAL, CORPORATE RIGHTS AND FRANCHISES TO THE PENNSYLVANIA RAILROAD COMPANY."

*P. L. 1871, page 188. Approved March 8th, 1871.*

(See page 138.)











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# DEED.

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THE

WRIGHTSVILLE, YORK AND GETTYSBURG  
RAILROAD COMPANY

TO

THE PENNSYLVANIA RAILROAD COMPANY.

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THIS INDENTURE Made this twenty-first day of June, in the year of our Lord one thousand eight hundred and seventy, between the WRIGHTSVILLE, YORK AND GETTYSBURG RAILROAD COMPANY, of the one part, and the PENNSYLVANIA RAILROAD COMPANY of the other part, both being corporations of the Commonwealth of Pennsylvania.

WHEREAS, The party of the first part by virtue of authority for that purpose granted it by the Commonwealth of Pennsylvania by an act approved the sixth day of April, A. D. one thousand eight hundred and seventy, entitled "An Act to authorize the Wrightsville, York and Gettysburg Railroad Company to sell their railroad and appurtenances, property real and personal, corporate rights and franchises to the Pennsylvania Railroad Company;"

AND WHEREAS, In pursuance of the said act, the said The Wrightsville, York and Gettysburg Railroad Company at a general meeting of their stockholders held on the first day of June, A. D. one thousand eight hundred and seventy, at the city of Harrisburg, in the State of Pennsylvania, on notice thereof by publication having first been given, as required by the said act, and by the acts incorporating the said party of the first part and the supplements thereto, the said The Wrightsville, York and Gettysburg Railroad Company, convened as aforesaid, did accept the act approved on the sixth day of April, A. D. one thousand eight hundred and seventy, as aforesaid, and all the provisions thereof, and did authorize the sale thereunder as provided for in said act, by a vote by ballot of more than three-fourths of all the stock of said company, and did direct the president of the said company—party of the first part of these presents, for and on behalf of said company to sign and deliver a good and sufficient deed under the seal of the said The Wrightsville, York and

Gettysburg Railroad Company, conveying all and singular its railroad and appurtenances, property real and personal, corporate rights and franchises, and all the right, title and interest described and set forth in said act, to the Pennsylvania Railroad Company, party of the second part, its successors and assigns for the sum of one hundred and seventy-four thousand three hundred and seventy-seven dollars and fifty cents [ $\$174,377\frac{50}{100}$ ];

AND WHEREAS, The said The Pennsylvania Railroad Company, party of the second part, by virtue of the authority vested in it by the said act, approved as aforesaid, to purchase, hold and use the said The Wrightsville, York and Gettysburg Railroad Company as fully and entirely as the said The Wrightsville, York and Gettysburg Railroad Company is by law authorized and empowered to do, has covenanted and agreed with the said party of the first part as herein set forth ;

NOW THIS INDENTURE WITNESSETH, That for and in consideration of the premises and of the sum of one hundred and seventy-four thousand three hundred and seventy-seven dollars and fifty cents [ $\$174,377\frac{50}{100}$ ], by the party of the second part hereto, paid to the party of the first part to these presents, at and before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, the said The Wrightsville, York and Gettysburg Railroad Company hath granted, bargained, sold, conveyed, enfeoffed, aliened, assigned and set over, and by these presents doth grant, bargain, sell, convey, enfeoff, alien, assign and set over unto the said The Pennsylvania Railroad Company, its successors and assigns, all and singular its railroad and appurtenances, property real and personal, corporate rights and franchises, to have and to hold the said railroad and appurtenances, property real and personal, corporate rights and franchises unto the said The Pennsylvania Railroad Company, its successors and assigns, under and subject nevertheless to the payment of certain bonded indebtedness, due by the party of the first part, and amounting to the sum of fifty-two thousand dollars [ $\$52,000$ ] which amount is hereby assumed by the party of the second part.



*In Witness Whereof*, The said The Wrightsville, York and Gettysburg Railroad Company hath caused this instrument to be signed by its president, and the seal of the said company to be affixed hereto, on the day and year first above written.

Signed, sealed and delivered in the presence of us	}	J. D. CAMERON, <i>Prest. W. Y. &amp; G. R. R. Co.</i>
EDMUND L. DU BARRY, FR. W. HAAS.		Attest: {SEAL} ROBT. S. HOLLINS, <i>Secty.</i>

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Received of the Pennsylvania Railroad Company, one hundred and seventy-four thousand three hundred and seventy-seven dollars and fifty cents [ $\$174,377\frac{50}{100}$ ] being the consideration money expressed in the foregoing indenture.

Witness	}	J. S. LEIB,
HERMAN J. LOMBAERT.)		<i>Treasurer.</i>



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THE COLUMBIA BRIDGE COMPANY.

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## AN ACT

RELATING TO THE COLUMBIA BRIDGE COMPANY.

*P. L. 1864, page 568. Approved April 23d, 1864.*

SECTION 1. That the directors of the Columbia Bank be and they are hereby authorized and empowered, by deed, in the name and under the seal of the said corporation, to sell and dispose of, absolutely, the piers, abutments, and all that remains of the bridge erected across the Susquehanna river, in Lancaster county, the land, property and estate appurtenant thereto, and heretofore used in connection therewith, and all the appurtenances of every nature and kind whatsoever, to the said bridge, or which may be needful for the full and complete enjoyment thereof, and all the rights, privileges and franchises thereto, in anywise belonging to any person or persons, corporation or corporations, for such price or consideration, as a majority of the board of directors of said Columbia Bank may determine.

Columbia Bank may sell the bridge at Columbia, &c.

SECTION 2. The purchaser or purchasers, whether individual, or corporate, shall have all the rights, privileges, and franchises, except banking privileges, and be subject to all the restrictions and penalties contained in the act incorporating the Columbia Bridge Company, approved the twenty-eighth day of March, Anno Domini one thousand eight hundred and nine, and all supplements thereto, except as is herein otherwise provided.

Purchasers to have rights, &c., and be subject to restrictions, &c., of Columbia Bridge Company.  
See Acts March 28, 1809, to May 5, 1852, pp. 229 to 249.

SECTION 3. That if the said bridge rights and privileges shall be purchased by any number of persons, exceeding six, it shall be lawful for a majority of such purchasers, to meet and organize themselves, and such persons as may thereafter associate with them, into a corporation, under the name and style of the Columbia Bridge Company, with all the rights, powers and franchises, aforesaid; the capital stock of said company shall be five hundred thousand dollars, divided into five thousand shares, of one hundred dollars each; and the said purchasers, at said meeting, shall have the power fully to organize the said corporation, to appoint a president and five directors,

Organization of purchasers into a corporation.  
See Act 'March 7, 1867, p. 249.

Name.

Capital stock.

Appointment of president and five directors.



Annual election.

Each share to have one vote.

Notice.

May issue bonds and secure the same by mortgage.

May exercise needful powers to repair, &c., bridge.

Any railroad company may become a stockholder.

Certificate of organization.

Evidence of existence of corporation.

Company may alter abutments of and approaches to bridge.

May take land.

Proviso.

Damages.

who shall continue in office until the first Monday of June succeeding such meeting, when, and annually thereafter, on said day, an election for president and five directors, shall be held by the stockholders, each share of stock being entitled to one vote, and of which last named annual election, two weeks' notice shall be given, by publishing the same in one newspaper published in the county of Lancaster; the directors of said company, so appointed or elected, shall have power to issue bonds, in sums not less than one hundred dollars, and secure the same by a mortgage on their said bridge, its appurtenances and corporate franchises, and upon all the estate and property of the said company, acquired or to be acquired; and the said company shall have power to do whatever may be needful, to repair or re-construct the said bridge, and make the same in all respects safe and suitable, and convenient for railroad and public travel; and any railroad company of this Commonwealth may subscribe to, and become a stockholder thereof.

SECTION 4. It shall be the duty of the said corporation, within one month after its organization, and under the common seal thereof to make a certificate, attested by their president, specifying the date of such organization, and transmit the same to the office of the Secretary of State, at Harrisburg, and a certified copy thereof shall be evidence of the existence of such corporation; and the said company shall have the right of altering and changing the position of the abutments of the said bridge, and the approaches thereto, so as to make them more convenient for railroad purposes; and for such purpose, may take, occupy and use all land, necessary in the opinion of the directors of the said company, for that purpose: *Provided*, That if the said company shall for such purpose, take any of the lands of the Old Columbia Public Ground Company, or any private or corporate property, the damages therefor shall be assessed, secured and paid in the manner provided by the act regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine.

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THE FOLLOWING ARE THE ACTS OR PARTS  
OF ACTS REFERRED TO IN THE FOREGOING  
ACT.

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## AN ACT

TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR THE PURPOSE OF MAKING AND ERECTING A BRIDGE OVER THE RIVER SUSQUEHANNA, IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA.

*P. L. 1809, page 110. Approved March 28th, 1809.*

SECTION 1. (Names of commissioners, their duties, and duties of subscribers.)

SECTION 2. That (constituting body politic) with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement be necessary to fulfil the purposes of this act.

To have corporate privileges, &c.

Increase of capital stock.

SECTION 3. (Notice of organization of company.) The said subscribers (organization of company) may make such by-laws, rules, orders and regulations (not inconsistent with the Constitution and laws of this State or of the United States,) as may be necessary for the well-ordering the affairs of the company: *Provided always*, (Number of votes.)

By-laws, &c.

See Art. 5, Sec. 3, Act March 29, 1824, p. 235.

Proviso.

SECTION 4. (As to stockholders' annual meetings.)

SECTION 5. (As to certificates of stock.) Which certificates of stock shall be transferable, either by the owner in person or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject, however, to the payments due, or that may grow due thereon; and the person to whom such transfer shall be made shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.

Transfer of stock.  
See Sec. 11, Act March 29, 1824, p. 236.

Subject to dues.

Powers of assignee of stock.

Meetings of president  
and managers.  
See Art. 8, Sec. 3, Act  
March 29, 1824, p. 236.

Quorum.

Powers that may be  
exercised.

SECTION 6. That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, at which meetings five members shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book kept for that purpose. And a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, artists, assistants and workmen as they shall deem necessary to the erection of the said bridge, and they shall fix their salaries and wages; they shall also have power to make contracts, to ascertain the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work and labor done and performed or materials found, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act or by the by-laws, orders and regulations of the company, shall be committed to them.

Penalty for not pay-  
ing instalment due  
on stock.

Forfeiture and sale  
thereof.

SECTION 7. That if any stockholder, after thirty days' notice in some one or more of the newspapers printed in Philadelphia, and also in one newspaper printed at Lancaster, and in one newspaper printed at York, of the time and places appointed for the payment of any proportion, dividend or instalment of the said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per cent. per month for every delay of such payment; and if the same and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or a majority of a quorum of them, at any of their meetings of transacting the business of the company, the order for that purpose being first entered in the minute book by the clerk at such meeting.



SECTION 8. That it shall and may be lawful for the said president and managers, their superintendents, engineers, artists and workmen, to enter into and upon all the lands and inclosures near to the place where the said bridge is to be built, and to take all stones convenient, and to examine the ground for the purpose of opening quarries of stones, and of obtaining gravel, sand, or other materials, for the building of the said bridge, and to enter with teams of any kind, first giving notice to the owners, doing as little damage as possible, and repairing any breach in fences that they may have occasion to make, and make amends for any damage they may have done. (Mode of assessing damages.) *Provided*, That nothing in this act contained shall authorize the said company to erect said bridge without the consent of the owner or owners of the ground on each side of and contiguous to the river, or to erect the same in such manner as to injure, stop or interrupt the navigation of the said river by boats, rafts or other vessels.

May enter upon lands.

Take materials.

Proviso.

Consent of owners of ground to erection of bridge. Not to impede navigation.

SECTION 9. (As to keeping accounts to submit to stockholders.) And whenever it shall appear manifestly to the said president, managers and company, at any such general meeting, or at any special meeting convened for that purpose, according to the provisions of this act, or of the by-laws of the company, that the proposed bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting, so far as may be necessary to complete the proposed bridge, which additional shares shall be sold and regulated in all respects, and be attended with the same rights and privileges as the original shares are herein or by the by-laws, rules and orders of the company, directed to be.

Increase of capital stock.

SECTION 10. That when a good and complete bridge, under the authority of this act, shall be erected over the river Susquehanna, in the county of Lancaster, at or near the town of Columbia aforesaid, the property of the same shall be vested in the said incorporated company, their successors and assigns, forever. And the said company, their successors and assigns, are hereby empowered to erect gates, and demand and receive tolls as follows, to wit: For every foot passenger, six cents; for every carriage of whatever description, used for the purpose

When gates may be erected and tolls charged.

Rates of toll.  
See Sec. 3, Act Feb. 27, 1835, p. 240.

of trade and agriculture, having four wheels, and drawn by six horses, one hundred and fifty cents; for every such carriage, having four wheels, drawn by five horses, one hundred and twenty-five cents; for every such carriage, having four wheels, drawn by four horses, one hundred cents; for every such carriage, having four wheels, drawn by three horses, seventy-five cents; for every such carriage, having four wheels, drawn by two horses, sixty-two and one-half cents; for every such carriage, having four wheels, drawn by one horse, thirty-seven and a half cents; for every carriage, of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, and drawn by four horses, one hundred cents; for every such carriage, drawn by two horses, seventy-five cents; for every such carriage, drawn by one horse, fifty cents; for every carriage, of whatever description, used for the purposes of trade or agriculture, having two wheels and drawn by two horses, thirty-seven and a half cents; for every such carriage, drawn by one horse, twenty-five cents; for every chair or other two-wheeled carriage of pleasure, for every horse used therein, twenty-five cents; for every sled or sleigh, drawn by four horses, seventy-five cents; for every sled or sleigh, drawn by two horses, fifty cents; for every sled or sleigh, drawn by one horse, thirty-one and a fourth cents; for every horse, mare, or gelding, with a rider, twenty-five cents; for every horse, mare, or gelding, without a rider, eighteen and three-fourth cents; every carriage drawn by oxen, or partly by horses and partly by oxen, to be rated in the proportion of two oxen for one horse; every head of horned cattle, three cents; every head of sheep and swine, two cents: *Provided*, (Who to pass toll free.)

See Act April 21, 1852,  
p. 248.

Provis

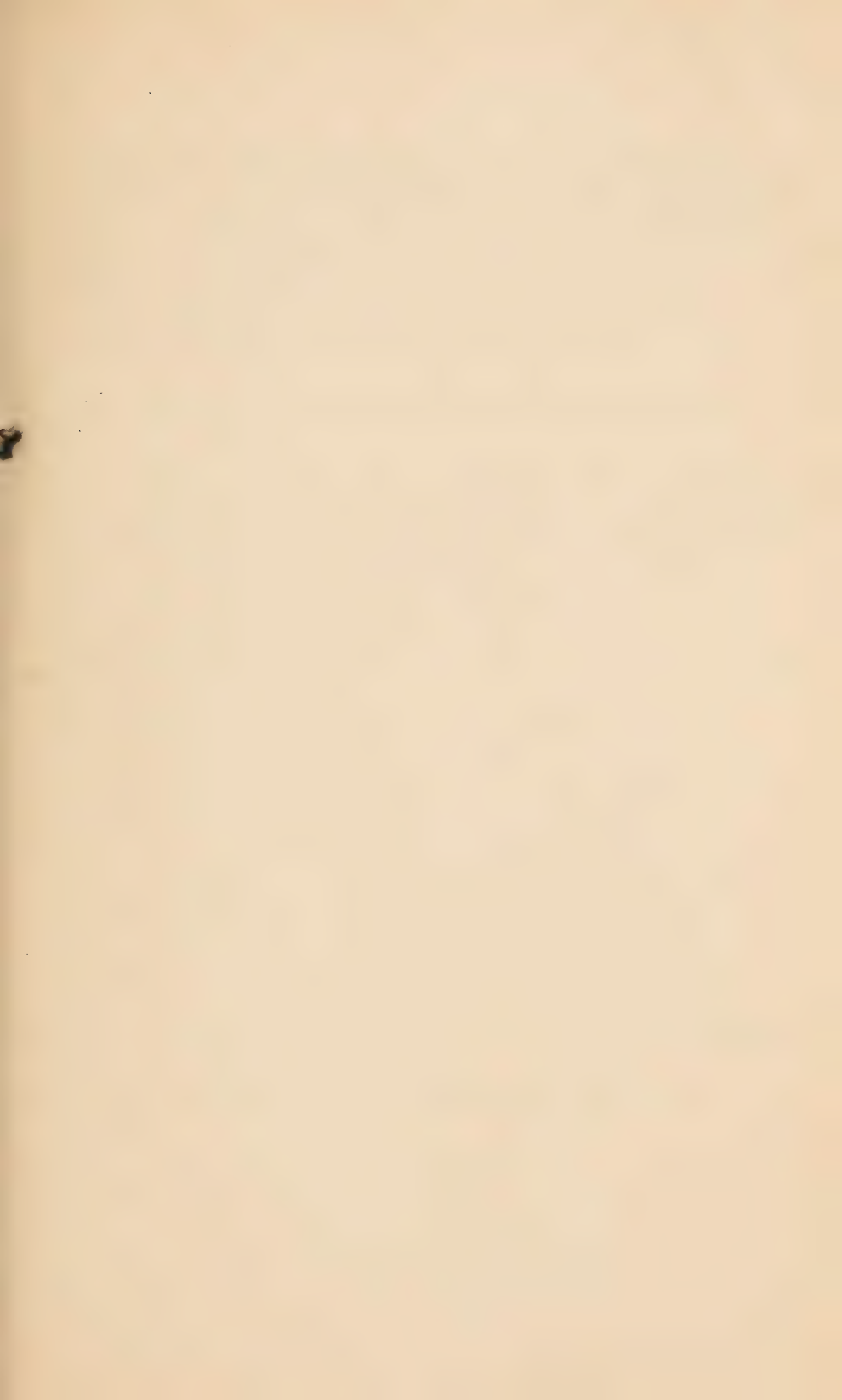
Penalty for collecting  
or demanding more  
toll than prescribed,  
or neglecting to keep  
bridge in repair.  
See Sec. 6, Act Feb.  
27, 1835, p. 241.

SECTION 11. That if the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rates or prices, for the passing over the said bridge, than what is hereinbefore prescribed, or shall neglect to keep the said bridge in good repair, he or they shall, for every such offence, forfeit and pay thirty dollars, one-half thereof for the use of the poor of the county of Lancaster, and the other half for the use of the person who shall sue for the same, to be recovered before any two justices of the peace in

How recoverable.











and for the county of Lancaster or county of York : *Provided* Proviso.  
*always*, That no suit shall be brought in this respect, unless Limit of time to bring suit.  
 within thirty days after the offence committed : *Provided, also*, Proviso.  
 That the judgment of the said justices in any such case brought Appeal or certiorari.  
 before them, shall be liable to revision, either by appeal to the  
 Court of Common Pleas, if the merits of the case be contested,  
 or by *certiorari*, if the legality of their proceedings or their  
 jurisdiction be disputed.

\*SECTION 12. (As to keeping accounts of moneys received and payments of dividends.)

SECTION 13. That if any person or persons shall wilfully pull Penalty for pulling down, &c., property of company. See Sec. 1, Act April 7, 1846, p. 244.  
 down, break or destroy, with intent to injure any part or parts  
 of the said bridge, or any toll-house gates, bars, or other pro-  
 perty of the said corporation, appurtenant to or erected for the  
 use and convenience of said bridge, or the person employed in  
 conducting the business thereof, or shall wilfully, and without  
 the consent and orders of the said corporation, or any person  
 or persons authorized by them, deface or destroy the letters or Or defacing toll lists.  
 figures, or other characters, in any written or printed list of  
 the rates or tolls affixed in any place or places for the information  
 of passengers and others, or who shall wilfully and maliciously  
 obstruct or impede the passage on or over the said bridge, or  
 any part or parts thereof, he, she or they so offending shall,  
 and each of them, forfeit and pay, for every such offence, to  
 the said corporation the sum of twenty dollars, to be sued for How recoverable.  
 and recovered before any justice of the peace, as debts of like  
 amount are recoverable ; and he, she or they so offending, shall  
 remain liable to actions at the suit of said corporation for such  
 wrongs, if the said sum or sums herein mentioned be not suffi-  
 cient to repair and satisfy said damages : *Provided always*, Proviso.  
 That no suit shall be brought unless within thirty days after Limit of time to bring suit.  
 such offence shall have been committed.

SECTION 14. (As to abstract to Legislature, and reduction of tolls.)

SECTION 15. (As to limitation of time.)

## AN ACT

TO ENCOURAGE THE CONSTRUCTING OF CERTAIN GREAT AND LEADING ROADS, WITHIN THIS COMMONWEALTH, AND THE ERECTION OF BRIDGES OVER THE SUSQUEHANNA, AT HARRISBURG, NORTHUMBERLAND, COLUMBIA, AND McCALL'S FERRY.

*P. L. 1811, page 258. Approved April 2d, 1811.*

SECTION 7. (The governor authorized and directed to subscribe a sum, not exceeding ninety thousand dollars, to the stock of the company which may hereafter be incorporated, for the purpose of building a bridge over the river Susquehanna, at or near Columbia; one half to be paid when the piers and abutments shall have been constructed, and the other half when the superstructure shall have been raised.)

## RESOLUTION

DIRECTING THE AUDITOR GENERAL TO CALL ON THE PRESIDENT OF THE COMPANY FOR ERECTING A BRIDGE OVER THE SUSQUEHANNA AT COLUMBIA, TO LAY AN ABSTRACT OF THEIR ACCOUNTS BEFORE THE LEGISLATURE.

*P. L. 1817, page 315. Approved March 25th, 1817.*

(That an abstract of the accounts of the company shall be furnished to the Auditor General, to be laid before the Legislature.)

## AN ACT

TO AUTHORIZE THE PRESIDENT, MANAGERS AND COMPANY, FOR ERECTING A BRIDGE OVER THE SUSQUEHANNA RIVER, IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA, TO RECOVER DEBTS DUE TO THEM, AND FOR OTHER PURPOSES.

*P. L. 1820, page 35. Approved February 24th, 1820.*

SECTION 1. (As to remedies for the recovery of debts.)

SECTION 2. (As to receiving their notes for debts due them.)

SECTION 3. (Security for payment of their notes to be given before act to be enforceable.)

## A SUPPLEMENT

TO AN ACT ENTITLED "AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR THE PURPOSE OF MAKING AND ERECTING A BRIDGE OVER THE RIVER SUSQUEHANNA, IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA.

*P. L. 1824, page 173. Approved March 29th, 1824.*

Preamble.

SECTION 1. (Change of name.)

SECTION 2. (Power to establish a bank.)

SECTION 3. (Rules, restrictions, &c., of the corporation.)

ARTICLE 1. (As to banking-house and directors.)

ARTICLE 2. (Election of directors.) If it shall happen that an election of directors be not made on the day above prescribed, the corporation shall not, for that cause, be dissolved; but it may be lawful, on any other day, within thirty days thereafter, three weeks' notice being given in the manner aforesaid, to hold and make an election in such manner as the by-laws and ordinances of the corporation shall prescribe. (Election of president.) And in case of the death, resignation, absence from the United States, or inability to act of the president or of any director, the board of directors shall choose another to supply his place. (Eligibility of directors.)

Failure to hold election not to dissolve corporation.

When election may be held.

Vacancies.

ARTICLE 3. (As to conducting elections.)

ARTICLE 4. (As to number of votes and right of voting.)

ARTICLE 5. The board of directors shall have power to make by-laws for the government and regulation of the corporation;

By-laws.  
See Sec. 3, Act March 28, 1809, p. 229.

which by-laws shall not be inconsistent with the Constitution and laws of the United States, or of this State, or with the provisions of this act. (As to appointment of cashier, and sureties of officers.) And it shall not be lawful for the president, the cashier, or any teller or clerk, to vote at any election for directors, as the attorney, proxy or agent of any stockholder.

Votes by president,  
&c., as proxies, &c.

ARTICLE 6. (As to debts and liability of directors.)

ARTICLE 7. (As to salaries.)

Stated meetings of  
directors.

See Sec. 6, Act March  
28, 1809, p. 230.

ARTICLE 8. The stated meetings of the directors shall be held at such times as the by-laws shall ordain; and special meetings may be held by particular appointments, or upon the call of the president. A majority of the whole number of directors, of whom the president shall be one, shall form a board or quorum for the transaction of any business. (As to discounts and absence of president.)

Quorum.

Special meetings.

ARTICLE 9. The board of directors, or twenty stockholders, being together proprietors of one-twentieth part of the stock of said corporation may, at any time, call a general meeting of the stockholders, for purposes relative to the institution, giving at least thirty days' notice thereof, in the manner hereinafter prescribed, specifying in such notice the object or objects of such meeting.

ARTICLE 10. (Annual meetings.)

Transfer of stock.

See Sec. 5, Act March  
28, 1809, p. 229.

ARTICLE 11. The stock of the company shall be assignable and transferable, on the books of the company only, and in the presence of the president or cashier, in such manner as the by-laws shall ordain; but no stockholder indebted to the company for a debt actually due and unpaid, shall be authorized to make a transfer or receive a dividend, till such debt is discharged, or security to the satisfaction of the directors given for the same: *Provided always*, That no stock shall be assigned or transferred to any person or persons, directly or indirectly, except to citizens of this State, of the United States, or of one of them, or corporations created by the laws of any of the United States, or to such foreigner or foreigners

Proviso.

To what persons or  
corporations stock  
may be transferred.



as have previously declared, as the laws direct, that he or they intend to become a citizen or citizens of the United States.

ARTICLE 12. (Discounts.)

ARTICLE 13. (Dividends; liability of directors.)

ARTICLE 14. It shall be lawful for the said corporation to hold such lands, tenements and hereditaments only, as shall be requisite for its accommodation in the convenient transaction of its business; and such as shall be *bona fide* mortgaged or conveyed to it, in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgment obtained for such debts, or purchased at sales on judgments of any person or body politic, where the same may be necessary to secure any debt due to the said corporation. (Cost of banking-house, dealing in stocks, goods, &c.)

Lands, &c., to be holden.  
See Sec. 15, Act April 5, 1849, p. 247.

ARTICLE 15. (Assignments of obligations, &c.)

ARTICLE 16. (Inspection of books, &c.)

ARTICLE 17. (Statement to Legislature.)

ARTICLE 18. (Specie payments; banking provisions.)

ARTICLE 19. (Refusal to pay notes, &c.; banking.)

ARTICLE 20. (Suspension of specie payments, &c.)

ARTICLE 21. (Examinations by the Legislature.)

ARTICLE 22. (Continuation of powers.)

ARTICLE 23. (Copies of act to stockholders.)

ARTICLE 24. (Dividends; keeping books.)

SECTION 5. (Notice of elections.)

SECTION 6. (Loans to State.)

SECTION 7. (Act when to go in operation.)

SECTION 8. (Continuance of act.)

SECTION 9. (Counterfeiting.)

SECTION 10. (Counterfeiting, forging, &c., notes.)

## A SUPPLEMENT

TO AN ACT ENTITLED "AN ACT TO AUTHORIZE THE PRESIDENT, MANAGERS AND COMPANY FOR ERECTING A BRIDGE OVER THE SUSQUEHANNA RIVER, IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA, TO RECOVER DEBTS DUE TO THEM, AND FOR OTHER PURPOSES."

*P. L. 1826, page 108. Approved March 11th, 1826.*

SECTION 1. (Security on bringing suit; repeal.)

SECTION 2. (Purchase of stocks; repeal.)

## A SUPPLEMENT

TO AN ACT ENTITLED "A SUPPLEMENT TO AN ACT ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR THE PURPOSE OF MAKING AND ERECTING A BRIDGE OVER THE RIVER SUSQUEHANNA, IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA," PASSED THE TWENTY-NINTH DAY OF MARCH, EIGHTEEN HUNDRED AND TWENTY-FOUR.

*P. L. 1827, page 39. Approved February 17th, 1827.*

SECTION 1. (Repeal of provision as to eligibility of directors.)

## AN ACT

SANCTIONING THE LOAN OF ONE HUNDRED AND SIX THOUSAND DOLLARS, MADE BY THE PENNSYLVANIA AND PHILADELPHIA BANKS AND COLUMBIA BRIDGE COMPANY, FOR CANAL AND RAILROAD PURPOSES.

*P. L. 1830, page 27. Approved January 18th, 1830.*

## Preamble.

SECTION 1. (The sum of one hundred and six thousand dollars, advanced to the Commonwealth for canal and railroad purposes, by the Pennsylvania and Philadelphia Banks and the Columbia Bridge Company, recognized as a temporary loan, to be repaid with interest at the rate of five per centum per annum, out of any future permanent loan authorized for canal and railroad purposes.)

## A FURTHER SUPPLEMENT

TO AN ACT ENTITLED "A SUPPLEMENT TO AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR THE PURPOSE OF MAKING AND ERECTING A BRIDGE OVER THE RIVER SUSQUEHANNA, IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA," PASSED THE TWENTY-EIGHTH DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND NINE.

*P. L. 1832, page 111. Approved March 8th, 1832.*

SECTION 1. (Specific increase of capital stock, and continuance of powers.)

SECTION 2. (Subscription by the State.)

SECTION 3. (As to directors for the State.)

SECTION 4. (Repeal of inconsistent part of act.)

## RESOLUTION

RELATIVE TO LAYING RAILS UPON THE COLUMBIA BRIDGE.

*P. L. 1833, page 491. Approved March 26th, 1833.*

(As to laying rails on the bridge.)

(As to payment of certain money to the company by the State, and keeping the rails in good order.)

## AN ACT

TO INCORPORATE THE SUSQUEHANNA RAILROAD COMPANY, AND  
THE MIFFLINBURG BRIDGE COMPANY, AND FOR OTHER PURPOSES.*P. L. 1833, page 418. Approved April 9th, 1833*

SECTION 38. (Repeal as to effect of non-declaration of dividends.)

SECTION 39. (As to borrowing specific amount of money.)

## A SUPPLEMENT

TO THE ACT PROVIDING FOR THE LAYING THE RAILS ON THE  
COLUMBIA BRIDGE.*P. L. 1835, page 43. Approved February 27th, 1835.*

SECTION 1. (As to rails on bridge.)

SECTION 2. (Extension of tracks by canal commissioners.)

SECTION 3. The Columbia Bridge Company shall be entitled to demand and receive for different articles, passengers and cars crossing said bridge on the rails, tolls not exceeding five times in amount, what are now chargeable per mile on the

Rates of toll.

See Sec. 10, Act March 28, 1809, p. 231.

Philadelphia and Columbia Railroad: *Provided*, That no additional charge shall be made for horses or mules drawing cars: Proviso. Charges for drawing cars; locomotives on bridge. and no locomotive engine shall be taken upon the bridge, without permission from the officers of the company: *And provided* Proviso. *further*, (As to tolls on materials to lay the rails.)

#### SECTION 4. (As to said rails.)

SECTION 5. Horses drawing cars over the said bridge, shall not be permitted to travel faster than a walk; and any owner or conductor of cars, violating this regulation, shall forfeit and pay for the use of the Columbia Bridge Company, for every such offence, the sum of five dollars, to be recovered as debts of like amount are by law recoverable. Regulations as to travel on bridge. Penalty for violation.

SECTION 6. The president and directors of the Columbia Bridge Company are hereby authorized to make such rules and regulations, not inconsistent with the Constitution and laws of this State, as they may deem necessary, to enforce the payment of tolls set forth in the third section of this act, and to impose adequate fines for a violation of such rules: *Provided*, Fines. Proviso. *however*, That any rules and regulations thus made shall have Posting up rules. been put up at some conspicuous place, either at the toll house or bridge, before they shall be enabled to recover a fine or forfeiture for their violation; and the said company, or their agents, shall be subject to the like fines and penalties for demanding and receiving a greater rate of tolls for crossing on the rails, as is provided for in the eleventh section of the original act for erecting a bridge across the Susquehanna river, at or near the town of Columbia, in the County of Lancaster; and the like authority conferred upon the canal commissioners for constructing canals and railroads within this Commonwealth, Penalty for receiving more tolls than allowed. See Sec. 11, Act March 28, 1809, p. 232. be vested in them for the completion of the work contemplated by this act. Powers in completion of the work.



## A FURTHER SUPPLEMENT

TO AN ACT ENTITLED "AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR THE PURPOSE OF MAKING AND ERECTING A BRIDGE OVER THE RIVER SUSQUEHANNA, IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA."

*P. L. 1837, page 18. Approved February 14th, 1837.*

SECTION 1. (As to dividends.)

SECTION 2. (Corporate title.)

SECTION 3. (Reservation of part of profits.)

## A FURTHER SUPPLEMENT

TO THE ACT ENTITLED "AN ACT AUTHORIZING THE GOVERNOR TO INCORPORATE THE BALD EAGLE AND SPRING CREEK NAVIGATION COMPANY, AND TO AUTHORIZE THE CANAL COMMISSIONERS TO CONSTRUCT A CANAL AROUND THE ABUTMENTS OF THE BRIDGE AT BAIRDSTOWN, AND FOR OTHER PURPOSES."

*P. L. 1837, page 196. Approved April 3d, 1837.*

SECTION 5. (Payment of money to company by the State.)

## AN ACT

TO DESIGNATE THE TIME OF ELECTING DIRECTORS ON THE PART OF THE COMMONWEALTH, IN THE BANK OF PENNSYLVANIA, PHILADELPHIA BANK, AND THE COLUMBIA BRIDGE COMPANY.

*P. L. 1840, page 30. Approved January 25th, 1840.*

SECTION 1. (As to elections of directors.)

## AN ACT

TO PROVIDE FOR THE ELECTION OF DIRECTORS OF THE COLUMBIA BANK AND BRIDGE COMPANY, AND THE MOYAMENSING BANK.

*P. L. 1844, page 218. Approved April 8th, 1844.*

SECTION 1. (As to number of directors.)

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## AN ACT

AUTHORIZING THE AUDITOR GENERAL TO SETTLE THE CLAIM OF THE COLUMBIA BANK AND BRIDGE COMPANY.

*P. L. 1844, page 289. Approved April 17th, 1844.*

SECTION 1. (The Auditor General authorized and required to examine and adjust the accounts of the Columbia Bank and Bridge Company, and if any overpayments for tax or dividends, at any time, are found, the amount of the same shall be credited to their account on the books of the Auditor General.)

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## A FURTHER SUPPLEMENT

TO THE ACT INCORPORATING THE COLUMBIA BANK AND BRIDGE COMPANY.

*P. L. 1845, page 462. Approved April 15th, 1845.*

SECTION 1. (As to elections of directors.)

## AN ACT

SUPPLEMENTARY TO THE ACT INCORPORATING THE COLUMBIA  
BANK AND BRIDGE COMPANY.*P. L. 1846, page 252. Approved April 7th, 1846.*

Penalty, &c., for in-  
juring, &c., index  
boards.

See Sec. 13, Act March  
28, 1809, p. 233.

For evading payment  
of toll.

SECTION 1. That if any person shall wilfully destroy, deface or injure any index board, direction or notice put up at or about the bridge of the said company, for the information of passengers: or if any person or persons owning, riding in, or driving any vehicle, whether of burden or pleasure, riding or leading any horse, mare, mule or gelding, or driving any hogs, sheep or cattle, shall therewith, or if any foot passenger shall by stealth, or without payment of toll, with an intent to defraud the said company of the toll, pass upon said bridge, or upon either of the towing paths of the Susquehanna Canal Company attached thereto; or shall with intent to defraud said bridge company of their lawful toll, or any part thereof, take off or cause to be taken off any horse, mare or gelding, or other beast, from any vehicle, either of pleasure or burden, or shall place any vehicle of pleasure or burden in, or upon a railway car or truck, or practice any other fraudulent means or device, with the intent that the payment of toll may be avoided or the same lessened, all and every person or persons in all or every or any of the said ways or manners offending, shall, for every such offence, forfeit and pay to the said bridge company the sum of ten dollars.

Penalty for driving,  
&c., faster than a  
walk.

For going on the  
bridge with fire.

For kindling a fire,  
firing guns or gun-  
powder on the bridge.

SECTION 2. If any person shall wilfully ride, drive or lead, or cause to be ridden, driven or lead, any horse, mare or gelding, or other beast of burden, or any ox, cow or other cattle, faster than the walk of such beast, when passing over or upon said bridge, or either of the said towing paths attached thereto; or shall go upon said bridge or either of said towing paths, with a lighted cigar, pipe or fire, in any form or manner, other than a lighted candle or lamp, securely enclosed in a safe lantern made for the purpose, and approved by the gate-keeper before entering the bridge; or being in or upon the said bridge or either of the said towing paths, shall by means of matches, or otherwise, kindle or create fire for any purpose

whatever, or shall fire a gun or other fire arms, or ignite gun-powder in any other manner, any person or persons so offending in any of the aforesaid ways or manners, shall for every such offence forfeit and pay to the said bridge company the sum of ten dollars: *Provided*, That notice of the provisions of this section be set up in a conspicuous position at each end of the said bridge.

Proviso.

Notice of this section to be posted.

SECTION 3. If any person or persons shall wilfully set fire to the said bridge, with intent to destroy the same, or shall be accessory thereto before the fact, such person or persons shall, for every such offence, be liable to indictment, and to the punishment provided by law in cases of arson: and also, shall forfeit and pay a sum not exceeding fifty thousand dollars, at the discretion of the court having cognizance of such offence, for the use of the said bridge company.

Penalty for setting fire to bridge.

SECTION 4. If any person or any incorporated company, in using either of the rail tracks laid upon said bridge, shall either himself, or by his or their driver or agent, draw or cause to be drawn upon any one span thereof, at one and the same time, unless in passing in opposite directions or different sides thereof, more than one loaded eight-wheeled car, or two loaded four-wheeled cars, or two empty eight-wheeled cars, or four empty four-wheeled cars, or their equivalents in weight respectively, any person or incorporated company so offending, shall, for every such offence, forfeit and pay to the said bridge company the sum of ten dollars.

Penalty for drawing more than one car on each span.

SECTION 5. Whereas, an agreement was entered into on the first day of October, one thousand eight hundred and thirty-nine, between the Commonwealth, by the Canal Commissioners, and the Wrightsville, York and Gettysburg Railroad Company, by their engineer, S. W. Mifflin, in which it is stipulated, that the locomotive engines of the said railroad company shall not approach within two hundred feet of the western end of the said bridge—if any incorporated company or individual, by themselves or their agents, shall cause any locomotive engine to approach within the said limit of two hundred feet of the western end of the said bridge, the said

Penalty for approaching with a locomotive within 200 feet of the bridge.

incorporated company or individual, owning or using such locomotive engine, shall forfeit and pay to the bridge company aforesaid, the sum of twenty dollars for every such offence: *Provided*, Said bridge company, at their own cost and charges, maintain and keep in good repair and order the rail tracks upon said bridge, and the connection therewith, at the said western end of the same.

Proviso.

Rails to be kept in order.

Fines and pecuniary penalties, how recoverable.

SECTION 6. All fines and pecuniary penalties which may be incurred under this act, shall be recoverable as debts of similar amount are now or hereafter shall be by law recoverable.

## AN ACT

TO EXTEND THE CHARTER OF THE COLUMBIA BANK AND BRIDGE COMPANY.

*P. L. 1849, page 376. Approved April 5th, 1849.*

SECTION 1. (Extension of privileges.)

SECTION 2. (As to amount and par value of capital stock.)

SECTION 3. (As to amount of liabilities of bank.)

SECTION 4. (As to statements to be made by bank.)

SECTION 5. (Provisions in case of forfeiture of charter of bank.)

SECTION 6. (Punishment of embezzlement.)

SECTION 7. (As to exhibits made by bank.)

SECTION 8. (As to said exhibits.)

SECTION 9. (As to said exhibits.)

SECTION 10. (As to said exhibits.)

SECTION 11. (Oaths required of officers.)

SECTION 12. (Penalty for violation of laws by officers.)

SECTION 13. (Tax payable by bank.)

SECTION 14. (Denomination of notes.)



SECTION 15. It shall be lawful for the said company to hold and possess all the real estate heretofore acquired by the same, by purchase, lease or otherwise; also, such additional ground contiguous to the abutments of their bridge, as they may deem necessary for the security of the said bridge: *Provided*, The whole quantity of ground so acquired, and to be acquired, contiguous to the said abutments, shall not exceed two acres.

Real estate which may be held. See Art. 14, Sec. 3, Act March 29, 1824, p. 237.

Proviso.

Limit of amount.

SECTION 16. (Dividends.)

SECTION 17. (Restrictions upon directors as to banking.)

SECTION 18. (As to failure to redeem notes and pay liabilities.)

SECTION 19. (Liability of stockholders to creditors of bank, and as to assignment.)

SECTION 20. (Duties of assignees.)

SECTION 21. (As to executions against stockholders.)

SECTION 22. (Liability for assessments on stock.)

SECTION 23. (Proportionate liability of stockholders.)

SECTION 24. (Construction of term "stockholder.")

SECTION 25. (As to said assignment by bank.)

SECTION 26. (Payment of debts by assignees.)

SECTION 27. (Punishment of frauds.)

SECTION 28. (Fraudulent insolvency.)

SECTION 29. (Term "insolvency." Statement of directors.)

SECTION 30. (Presentation of statement to court.)

SECTION 31. (Auditors' powers.)

SECTION 32. (Investigation by court into insolvency.)

SECTION 33. (Time of act going into force.)

SECTION 34. (Reservation by Legislature.)

SECTION 35. (Repeal.)

## A FURTHER SUPPLEMENT

TO AN ACT ENTITLED "AN ACT AUTHORIZING THE GOVERNOR TO INCORPORATE A COMPANY FOR THE PURPOSE OF MAKING AND ERECTING A BRIDGE OVER THE RIVER SUSQUEHANNA, IN THE COUNTY OF LANCASTER, AT OR NEAR THE TOWN OF COLUMBIA," APPROVED THE TWENTY-EIGHTH OF MARCH, ONE THOUSAND EIGHT HUNDRED AND NINE.

*P. L. 1852, page 363. Approved April 21st, 1852.*

Repeal of provision  
as to freedom from  
payment of toll.  
See Sec. 10, Act March  
28, 1809, p. 232.

SECTION 1. That so much of the tenth section of the act, entitled "An Act authorizing the Governor of this Commonwealth to incorporate a company for the purpose of making and erecting a bridge over the river Susquehanna, in the county of Lancaster, at or near the town of Columbia," approved the twenty-eighth March, one thousand eight hundred and nine, as authorizes persons to travel over the bridge of said company toll free on Sundays, be and the same is hereby repealed, except military detachments of this State, and those who attend funerals.

## AN ACT

SUPPLEMENTARY TO THE ACT INCORPORATING THE COLUMBIA BANK AND BRIDGE COMPANY.

*P. L. 1852, page 482. Approved May 1st, 1852.*

Company may sell  
bridge and interest  
in certain lots of  
ground.

SECTION 1. That the Columbia Bank and Bridge Company are hereby authorized and empowered to sell and dispose of the bridge erected across the Susquehanna river at Columbia, in Lancaster County, and all their interest in lots number one and two, rented from the old Columbia Public Ground Company, with all the appurtenances to said bridge, to any person or persons, corporation or corporations, for such price or consideration as the stockholders holding a majority of shares in the Columbia Bank and Bridge Company may determine











upon, and that the purchaser or purchasers, whether individual or corporate, shall have all the rights, privileges and franchises, except banking privileges, and be subject to all the restrictions and penalties contained in the act of incorporation of said company. Rights of purchasers.

SECTION 2. (Repeal as to directors holding office.)

SECTION 3. (Change of name.)

SECTION 4. That the purchasers of the said bridge, or a majority of them, shall within sixty days after the purchase thereof, and on the first Monday of July annually thereafter, hold an election for officers, at which one president, seven managers, and a treasurer and secretary, shall be elected, at which elections every stockholder shall be entitled to as many votes as he holds shares of stock. Election of officers by purchasers.

## AN ACT

RELATIVE TO THE COLUMBIA BANK AND BRIDGE COMPANY, &C.

*P. L. 1852, page 607. Approved May 5th, 1852.*

SECTION 16." (Change of name.)

## AN ACT

RELATING TO THE COLUMBIA BRIDGE COMPANY.

*P. L. 1867, page 361. Approved March 7th, 1867.*

SECTION 1. That the Columbia Bridge Company, organized and incorporated under and by virtue of the act of the general assembly of Pennsylvania, entitled "An Act relating to the Columbia Bridge Company," approved the twenty-third day of April, Anno Domini one thousand eight hundred and Bridge required to be rebuilt within a certain period.  
See Act April 23, 1864, p. 225.

sixty-four, be and the said Columbia Bridge Company is hereby required to re-build, repair and re-construct the bridge, across the Susquehanna river, between the boroughs of Columbia, in the county of Lancaster, and of Wrightsville, in the county of York, as they are authorized by the third section of said act, by commencing the work thereon, in good faith, within six months from the date of the passage of this act, and completing the same within two years thereafter.

Failure to comply with provisions of first section, relative to.

SECTION 2. That the failure of said Columbia Bridge Company to comply with, and carry out, all the provisions of the first section of this act, shall work an absolute and immediate forfeiture of all its corporate rights and privileges, and dissolution of said corporation; and the said Columbia Bridge Company shall not thereafter have power to erect, repair, re-construct, or in any way whatever make, the said bridge safe, suitable, convenient, or in any manner competent, or fit, for railroad and public travel, either for footmen, horsemen, vehicles, locomotive, or other engines, or railroads, cars, or for any other use, or purpose, whatsoever.

When a new company may be organized.

SECTION 3. That should the said Columbia Bridge Company fail to comply with the provisions of the first section of this act, it shall be lawful for any number of persons, exceeding seven, immediately upon the failure of said company, either to commence the work on said bridge, or to complete the same, as and when is hereinbefore provided, to meet and organize themselves, and such persons as may thereafter associate with them, under the name and style of the Columbia Bridge Company, in the same manner, with the same amount of capital stock, and with all other rights, privileges and powers conferred upon the present Columbia Bridge Company, as are prescribed and given in the third and fourth sections of the said act, approved the twenty-third day of April, Anno Domini one thousand eight hundred and sixty-four; and immediately upon its organization, as aforesaid, the said Columbia Bridge Company, hereby authorized, shall have power to take and keep possession of the piers, abutments, and all the remains whatever, of the old bridge, across the Susquehanna, between the boroughs of Columbia and Wrights-

Name.

Capital stock, privileges, &c.

Authorized to take possession of remains of old bridge and materials provided for repair of same.

ville, aforesaid, and all other works, structures and materials, which have been done, erected, or provided, for the repair, or re-construction, of the same, and also all the land, property and estate, appurtenant thereto, and heretofore used in connection therewith, and all the appurtenances, of every nature and kind whatsoever, to the said bridge, or which may be needful for the full and complete enjoyment thereof, and all the rights, privileges and franchises thereto in anywise belonging; and said last-mentioned company shall have and enjoy, all and singular, the corporate rights, privileges and franchises, conferred upon the present Columbia Bridge Company by said act, and shall have power, and is hereby required, to erect, re-build, or re-construct, the said bridge upon the said piers and abutments, or as the same may be changed under, and in accordance with, the provisions of said act, for railroad, public and private travel and transportation, as is in said act directed: *Provided*, That said company shall com-  
Required to reconstruct bridge.  
 mence the said work within six months from the date at which the certificate of its organization shall be filed in the office of the Secretary of the Commonwealth, and complete the said bridge, for all purposes of railroad, public, or private, travel, or transportation, within two years from the date of filing their said certificate of organization, as aforesaid; otherwise the privileges, hereby given and conferred, shall absolutely cease and determine.  
Proviso.

SECTION 4. That any railroad company may subscribe to and become a stockholder of said last mentioned Columbia Bridge Company.  
Railroad company may subscribe to stock.

SECTION 5. That the provisions of the fourth section of the said act, of the twenty-third day of April, Anno Domini one thousand eight hundred and sixty-four, in relation to damages done, or which may be done, or land taken and occupied, to, or of, the old Columbia Public Ground Company, or any private, or corporate property whatever, shall be extended and applied to all cases, in which damage may be done, or land taken and occupied, except in the case of the present Columbia Bridge Company, by the Columbia Bridge Company, which may be organized under the provisions of this  
Damages, relative to

act; and the remedy in all such cases shall be the same as is provided in said act, for the like injuries to and appropriations of property.

Value of property of  
present bridge com-  
pany, how ascer-  
tained.

SECTION 6. That in order to ascertain the value of the property owned by the present Columbia Bridge Company, should the said company fail to comply with the requirements of the first section of this act, and a new Columbia Bridge Company be created and established, under and by virtue of its subsequent provisions, as aforesaid, it shall be lawful for the present Columbia Bridge Company to present a petition, signed by its officers, in its corporate name, and under its corporate seal, to the Court of Common Pleas of the County of Lancaster, for the appointment of viewers to value and appraise the same; whereupon, the said court shall appoint viewers in the same manner as is provided in the eleventh section of the act of the nineteenth of February, Anno Domini one thousand eight hundred and forty-nine, regulating railroad companies; and the said viewers shall proceed to value and appraise the said property of the said present Columbia Bridge Company, after notice shall have been given, as provided in the said last mentioned act, and make report thereof to said court, both parties to have the same right of exception, appeal and all the other remedies, provided in similar cases, by said last mentioned act; and when the value of said property shall be finally adjudicated and determined, the amount thereof, shall be paid by the said new Columbia Bridge Company to the present Columbia Bridge Company, and shall be a lien on all its property until the same shall be paid.

When determined,  
same to be paid by  
new company.

New company may  
issue bonds.

SECTION 7. The said new Columbia Bridge Company, after it shall have been organized, as aforesaid, shall have the same power to issue bonds, and secure the same by mortgage, as is conferred upon the present Columbia Bridge Company, by the said act of the twenty-third day of April, Anno Domini one thousand eight hundred and sixty-four.



## AN ACT

SUPPLEMENTARY TO AN ACT RELATING TO THE COLUMBIA BRIDGE COMPANY, APPROVED APRIL TWENTY-THIRD, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR.

*P. L. 1869, page 319. Approved March 12th, 1869.*

SECTION 1. That the Columbia Bridge Company shall have the exclusive control of the motive power on the railroad constructed and being constructed upon their bridge, and may from time to time establish, demand and receive such rates of toll, for the use of said road and motive power, and for the conveyance of passengers, the transportation of merchandise and commodities, and the cars containing the same passing over the said railroad, as to the president and directors shall seem reasonable: *Provided, however,* That said rates of toll and motive power charges, so to be established, demanded and received, where the cars used for such conveyance or transportation are owned or furnished by others, shall not exceed six times in amount the rates of toll and motive power charges which are chargeable per mile under the provisions of section eighteen of an act regulating railroad companies, approved February nineteen, one thousand eight hundred and forty-nine; and any law relating to said bridge company and inconsistent herewith be and the same is hereby repealed.

Company to have control of motive power on bridge.

Proviso.

## AN ACT

TO AUTHORIZE THE COLUMBIA BRIDGE COMPANY TO SELL THEIR BRIDGE AND ITS APPURTENANCES, PROPERTY, REAL AND PERSONAL, CORPORATE RIGHTS AND FRANCHISES TO THE PENNSYLVANIA RAILROAD COMPANY, AND TO AUTHORIZE THE PENNSYLVANIA RAILROAD COMPANY TO PURCHASE THE SAME, AND TO ISSUE ADDITIONAL SHARES OF ITS CAPITAL STOCK FOR THAT PURPOSE.

*P. L. 1871, page 189. Approved March 8th, 1871.*

(See page 139.)



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# DEED.

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THE COLUMBIA BRIDGE COMPANY

TO

THE PENNSYLVANIA RAILROAD COMPANY.

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THIS INDENTURE, Made this first day of July in the year of our Lord one thousand eight hundred and seventy-one [1871], Between THE COLUMBIA BRIDGE COMPANY of the one part and THE PENNSYLVANIA RAILROAD COMPANY of the other part :

WHEREAS, By the first section of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act relative to the Columbia Bridge Company" approved the twenty-third day of April, Anno Domini one thousand eight hundred and sixty-four, it is enacted as follows, viz :

"That the directors of the Columbia Bank be and they are hereby authorized and empowered, by deed, in the name and under the seal of the said corporation, to sell and dispose of absolutely, the piers, abutments and all that remains of the bridge erected across the Susquehanna river in Lancaster county, the land, property and estate appurtenant thereto and heretofore used in connection therewith, and all the appurtenances of every nature and kind whatsoever to the said bridge, or which may be needful for the full and complete enjoyment thereof, and all the rights, privileges and franchises thereto in anywise belonging, to any person or persons, corporation or corporations, for such price or consideration as a majority of the board of directors of said Columbia Bank may determine:" AND, by the second section of said act, it is enacted as follows, viz : "The purchaser or purchasers, whether individual or corporate, shall have all the rights, privileges and franchises, except banking privileges, and be subject to all the restrictions and penalties contained in the act incorporating the Columbia Bridge Company, approved the twenty-eighth day of March, A. D. one thousand eight hundred and nine, and all supplements thereto, except as herein otherwise provided:" AND, by the third section of said act, it is, *inter alia*, enacted as follows, viz : "That if the said bridge rights



“and privileges shall be purchased by any number of persons  
 “exceeding six, it shall be lawful for a majority of such pur-  
 “chasers to meet and organize themselves and such persons as  
 “may thereafter associate with them, into a corporation under  
 “the name and style of the Columbia Bridge Company, with  
 “all the rights, powers and franchises aforesaid:” AND, by  
 the fourth section of said act, it is, *inter alia*, enacted as follows,  
 viz: “It shall be the duty of the said corporation, within  
 “one month after its organization, and under the common seal  
 “thereof, to make a certificate, attested by their president,  
 “specifying the date of such organization, and transmit the same  
 “to the office of the Secretary of State at Harrisburg, and a  
 “certified copy thereof shall be evidence of the existence of  
 “such corporation;”

AND WHEREAS, The said Columbia Bank, did, by indenture, dated the twelfth day of July, Anno Domini one thousand eight hundred and sixty-four, recorded in the recorder's office in and for the county of Lancaster in Record Book G, vol. 9, at page 257, &c., and in the office for recording deeds in and for York county in Record Book PPPP, at page 121, &c., grant and convey the said bridge, piers, abutments, land, property, estate, rights, privileges and franchises, in said act of assembly recited, unto Josiah Bacon, Wistar Morris, Thomas A. Scott, Joseph B. Myers, Edward C. Knight, Herman J. Lombaert and Edmund Smith, as tenants in common, in fee: who, in pursuance of the provisions of the aforesaid act of assembly, did convene on the sixth day of July, A. D. one thousand eight hundred and sixty-four, for the purpose of organizing said corporation, and did then accept the provisions of the said act, and in accordance therewith organize themselves and such persons as might thereafter associate with them into a corporation as aforesaid, under the name, style and title of “The Columbia Bridge Company,” and did do and perform all acts and things necessary to the proper organization of said corporation, and did within one month after its organization, and under their common seal, make a certificate attested by their president, specifying the date of such organization, and transmit the same to the office of the Secretary of State at Harrisburg, which is duly filed in said office;

AND WHEREAS, Josiah Bacon and Mary W., his wife, Wistar Morris and Mary, his wife, Thomas A. Scott, Joseph B. Myers, Edward C. Knight and Ann Maria, his wife, Herman J. Lombaert and Sarah, his wife, and Edmund Smith and Arabella B., his wife, did, by indenture dated the sixth day of September, Anno Domini 1864, duly acknowledged and stamped, and recorded in the recorder's office in and for the county of Lancaster, in Record Book G, vol. 9, at page 262, &c., and in the office for recording deeds in and for York county in Record Book PPPP, at page 135, grant and convey unto the said "The Columbia Bridge Company" their successors and assigns, all that the said bridge, piers, abutments, land, property and estate thereto appurtenant, and the rights, privileges and franchises aforesaid and as the same are more particularly hereinafter described and granted and subject as hereinafter contained, as by reference to the said last recited indenture will more fully and at large appear ;

AND WHEREAS, By an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to authorize the Columbia Bridge Company to sell their bridge and its appurtenances, property, real and personal, corporate rights and franchises to the Pennsylvania Railroad Company, and to authorize the Pennsylvania Railroad Company to purchase the same and to issue additional shares of its capital stock for that purpose," approved the eighth day of March, Anno Domini one thousand eight hundred and seventy-one, it is enacted as follows, viz: "That it shall and may be lawful for the Columbia Bridge Company, by deed under its corporate seal, to grant, bargain, sell and convey unto the Pennsylvania Railroad Company, its successors and assigns, all and singular, their bridge over the Susquehanna river at Columbia, and appurtenances, property real and personal, corporate rights and franchises; and the said Pennsylvania Railroad Company is hereby authorized to purchase, hold and use the same as fully as the said Columbia Bridge Company are by law empowered to do; and for the purpose of effecting such purchase, the said Pennsylvania Railroad Company is hereby authorized to issue not exceeding ten thousand additional shares of its capital stock;"

AND WHEREAS, At an annual meeting of the stockholders of the said Columbia Bridge Company, duly convened and held on the fifth day of June, Anno Domini one thousand eight hundred and seventy-one, the following resolutions were adopted, viz :

*“Resolved*, That the stockholders of the Columbia Bridge Company do hereby accept an act of the General Assembly of the Commonwealth of Pennsylvania, entitled “An Act to authorize the Columbia Bridge Company to sell their bridge and its appurtenances, property real and personal, corporate rights and franchises to the Pennsylvania Railroad Company, and to authorize the Pennsylvania Railroad Company to purchase the same and to issue additional shares of its capital stock for that purpose;”

*“Resolved*, That in pursuance of said act, the officers of the Columbia Bridge Company be and they are hereby authorized, as the act and deed of said company, to execute under its corporate seal and deliver to the Pennsylvania Railroad Company, its successors and assigns, a deed for its bridge and its appurtenances, property real and personal, corporate rights and franchises, to be dated on the first day of July, Anno Domini one thousand eight hundred and seventy-one, and to receive in consideration therefor five hundred thousand dollars, being one hundred dollars per share or the par value thereof for each and every share of stock issued by the said bridge company; and that distribution thereof be made to each shareholder at the rate of one hundred dollars per share for each and every share held by them respectively, and that thereupon the treasurer be instructed to cancel the certificates of stock of the company as the distributive share of the proceeds of said sale is received by the holder as aforesaid:” All of which, by reference to the minutes of said meeting, will fully appear;

AND WHEREAS, At a stated meeting of the board of directors of said Columbia Bridge Company duly convened and held on the fifth day of June, Anno Domini one thousand eight hundred and seventy-one, the following preamble and resolution were adopted, viz :

“WHEREAS, At a meeting of the stockholders of the  
 “Columbia Bridge Company held at Philadelphia, on the  
 “fifth day of June, A. D. 1871, an act entitled “An Act to  
 “authorize the Columbia Bridge Company to sell their bridge  
 “and its appurtenances, property real and personal, corporate  
 “rights and franchises to the Pennsylvania Railroad Company,  
 “and to authorize the Pennsylvania Railroad Company to  
 “purchase the same and to issue additional shares of its  
 “capital stock for that purpose,” approved the eighth day of  
 “March, one thousand eight hundred and seventy-one, was  
 “accepted ;

“AND WHEREAS, At the said meeting of stockholders, the  
 “following resolution was recommended to the board of  
 “directors for their approval and passage :

“*Resolved*, That in pursuance of said act, the officers of the  
 “Columbia Bridge Company be and they are hereby author-  
 “ized, as the act and deed of said company, to execute under  
 “its corporate seal and deliver to the Pennsylvania Railroad  
 “Company, its successors and assigns, a deed for its bridge  
 “and its appurtenances, property real and personal, corporate  
 “rights and franchises, to be dated the first day of July, one  
 “thousand eight hundred and seventy-one, and to receive in  
 “consideration therefor five hundred thousand dollars, being  
 “one hundred dollars per share or the par value thereof for  
 “each and every share of stock issued by the said bridge  
 “company ; and that distribution thereof be made to each  
 “shareholder at the rate of one hundred dollars per share for  
 “each and every share held by them respectively ; and that  
 “thereupon the treasurer be instructed to cancel the certifi-  
 “cates of stock of the company as the distributive share of the  
 “proceeds of said sale is received by the holder as aforesaid ;

“*Therefore, Resolved*, That the proper officers of this com-  
 “pany be and they are hereby authorized and directed, as the  
 “act and deed of said company, to execute under its corporate  
 “seal and deliver to the Pennsylvania Railroad Company, its  
 “successors and assigns a deed for its bridge and appurte-  
 “nances, property, real and personal, corporate rights and



“franchises, to be dated on the first day of July, one thousand  
 “eight hundred and seventy-one, for and in consideration of  
 “the sum of five hundred thousand dollars:” All of which,  
 by reference to the minutes of said meeting, will fully appear;

NOW THIS INDENTURE WITNESSETH, That the said The Columbia Bridge Company, in consideration of the premises and of the sum of five hundred thousand dollars as aforesaid unto them in hand well and truly paid by the said The Pennsylvania Railroad Company, at and before the execution hereof, the receipt whereof is hereby acknowledged, HAVE granted, bargained, sold, aliened, enfeoffed, released, assigned, remised, set over and confirmed, and by these presents, in pursuance and execution of the power and authority in them vested by the said recited act of assembly, and of the said above recited resolutions of the stockholders and of the board of directors of the said The Columbia Bridge Company, and of all and every power and authority in them in anywise vested and in this behalf enabling, do grant, bargain, sell, alien, enfeoff, release, assign, remise, set over and confirm unto the said The Pennsylvania Railroad Company, their successors and assigns, ALL that the said bridge, known as the Columbia Bridge, across the Susquehanna river, extending from Columbia in Lancaster county, Pennsylvania, to Wrightsville in York county, Pennsylvania, with the piers and eastern and western abutments thereof, and all the sheds, toll houses and other buildings and improvements, rights, rights of way and privileges thereto belonging and heretofore used and enjoyed in connection therewith: subject to the terms, covenants, restrictions and requirements of certain articles of agreement made between the Columbia Bridge Company of the one part and the Susquehanna Canal Company of the other part, dated the            day of            in the year of our Lord [1837] one thousand eight hundred and thirty-seven: AND ALSO all the estate, right, title and interest, property, claim and demand of the said The Columbia Bridge Company [being a leasehold interest] of, in and to all that certain lot or piece of ground known as “Lot number one Old Columbia Public Ground Company,” with the buildings and improvements thereon erected, situate in Columbia, in Lan-



easter county aforesaid, beginning at a point in the west line of Front street, in the line of land of the said The Pennsylvania Railroad Company, a stone being set thereat, thence along the said line of Front street southeastwardly a distance of one hundred and fifteen feet to the south line of a culvert and including the same, thence by a line at right angles to said Front street, on the south side of said culvert and on a line of lot number two to the Susquehanna river, thence by and along the said river to the line of lands of the said The Pennsylvania Railroad Company, and thence by said line of lands of the said The Pennsylvania Railroad Company to the place of beginning: the said lot of ground being subject to the terms, covenants, requirements and restrictions of a certain lease made between the president and managers of the Old Columbia Public Ground Company of the borough of Columbia, Lancaster county, of the one part, and The Columbia Bank and Bridge Company of the other part, dated the thirteenth day of September, A. D. one thousand eight hundred and fifty, and recorded in the recorder's office in and for Lancaster county in Record Book S, vol. 7, page 201, &c.; AND ALSO, all that lot or piece of ground, with the buildings and improvements thereon erected, situate in Wrightsville, York county aforesaid, beginning at a point on the centre line of the Columbia bridge, distant from the centre of pier number twenty-eight of said bridge one hundred and eighty-six feet, six inches, thence south sixteen degrees, fifteen minutes east, a distance of nineteen feet, thence south seventy-two degrees, forty minutes west, a distance of fifty-two feet, thence south seventeen degrees, twenty minutes east, a distance of forty-one feet, six inches, thence south seventy-two degrees, forty minutes west, a distance of seven feet, nine inches, thence north eighty-nine degrees, four minutes west, a distance of fifteen feet, three inches, thence north seventeen degrees, twenty minutes west, a distance of eleven feet, nine inches, thence south seventy-two degrees, forty minutes west, a distance of thirty feet, thence north thirty degrees, fourteen minutes west, a distance of seventy-two feet, thence north eighty-four degrees, eight minutes east, a distance of nineteen feet, thence north seventy-five degrees, ten minutes east, a distance of one hundred and two feet, thence south sixteen

degrees, fifteen minutes east, a distance of nineteen feet to the place of beginning: the said lot of ground being subject to the terms, restrictions, requirements and agreements of certain articles of agreement made the fourth day of May, A. D. one thousand eight hundred and thirty-two, between John Kaufelt of Wrightsville and Jacob Rieman of Hallam township, in the county of York, and State of Pennsylvania, of the one part, and the president and directors of the Columbia Bridge Company and their successors of the other part, [a copy of each of which said three agreements hereinbefore referred to, and a plan of said bridge and also a plan of said last described lot of ground were annexed to and made part of the said above recited deed from the Columbia Bank to Josiah Bacon and others, dated the twelfth day of July, Anno Domini one thousand eight hundred and sixty-four, and therewith recorded in the recorder's office in and for the county of Lancaster and the county of York, as hereinbefore recited, and are hereby referred to]; ALSO, all the ways, ferry rights and appurtenances of every kind and nature whatsoever to the said bridge belonging, and all the rights to levy and collect tolls, ferriage and other dues in connection with the premises and franchises aforesaid, granted to the said Columbia Bridge Company as aforesaid, and also, all the corporate rights, franchises, liberties, privileges, immunities, members, incidents and appurtenances whatsoever, vested in the said Columbia Bridge Company as well by virtue of the foregoing recited deed to them from the said Josiah Bacon and others, as by virtue of the hereinbefore recited act of assenbly approved the twenty third day of April, Anno Domini one thousand eight hundred and sixty-four: TOGETHER with all and singular the buildings, piers, abutments, improvements, ways, roads, lanes, waters, water courses, liberties, privileges, rights, franchises, incidents and appurtenances to the hereby granted premises belonging or in anywise appertaining, and the reversions and remainders, rents, issues, tolls and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of the said Columbia Bridge Company as well at law as in equity or otherwise howsoever of, in and to the same and every part and parcel thereof: To HAVE and to hold the said bridge, land, ferry rights, corporate











rights and franchises, rights to collect tolls, ferriage and other dues, and all other rights and privileges hereby granted and mentioned or intended so to be, with the rights, remedies, members, incidents and appurtenances, unto the said The Pennsylvania Railroad Company their successors and assigns, to and for the only proper use, benefit and behoof of the said The Pennsylvania Railroad Company, their successors and assigns forever: under and subject, respectively, to the several provisions, terms, restrictions, requirements and agreements contained in the three several articles of agreement above mentioned; and also, under and subject, as respects the lot of ground first hereinbefore described and granted to the payment of a rent of one hundred dollars per annum to the president and managers of the Old Columbia Public Ground Company their successors and assigns, on the first day of November in each year when and as the same shall hereafter accrue and grow due and payable. And the said Columbia Bridge Company, for themselves and their successors covenant and agree to and with the said The Pennsylvania Railroad Company, their successors and assigns, by these presents, that they the said Columbia Bridge Company and their successors, all and singular, the estates, hereditaments and premises, property, rights and franchises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said The Pennsylvania Railroad Company, their successors and assigns, against them the said The Columbia Bridge Company and their successors, and against all and every person or persons, other corporation or corporations, whomsoever and whatsoever, lawfully claiming or to claim the same or any part thereof, by, from or under them or any of them, shall and will, under and subject as aforesaid, WARRANT and forever DEFEND by these presents; and further, that they the said Columbia Bridge Company, shall and will at all times hereafter, at the request and at the cost of the said The Pennsylvania Railroad Company, make, execute and deliver all such other and further instruments and assurances in law, for the further, better or more perfectly assuring the premises hereby granted, according to the true intent and meaning of these presents, as by the said The Pennsylvania Railroad Company or their counsel learned in the law, shall be reasonably devised, advised or required.

*In Witness Whereof*, The said The Columbia Bridge Company have hereunto affixed the common or corporate seal of their said corporation, duly attested, the day and year first hereinbefore written.

		HERMAN J. LOMBAERT,	
Sealed and delivered in the	}		<i>President.</i>
presence of us			
W. J. HOWARD,		Attest:	{SEAL}
HENRY C. SPACKMAN.		EDMUND SMITH,	<i>Secretary.</i>

---

Received the day of the date of the foregoing written indenture, of the said The Pennsylvania Railroad Company, the sum of five hundred thousand dollars, being the full consideration money hereinbefore mentioned.

Witnesses at signing	}	EDMUND SMITH,
W. J. HOWARD,		<i>Treasurer of the Columbia Bridge</i>
HENRY C. SPACKMAN.		<i>Company.</i>

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